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THE
PUBLIC GENERAL STATUTES,

24 & 25 VICTORIÆ, 1860.

PASSED IN THE THIRD SESSION OF THE EIGHTEENTH PARLIAMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND IRELAND.

WITH

NOTES BY JAMES STEPHEN, ESQ., LL.D,
RECODER OF POOLE, &c.

THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.

LONDON:
PUBLISHED FOR THE PROPRIETORS,
AT
59, CAREY-STREET, LINCOLN'S-INN.
1861.

GENERAL STATEMENT
OF THE
MOTIONS MADE

BY THE
GENERAL ASSEMBLY
OF THE
UNITED STATES

IN THE
GENERAL ASSEMBLY
OF THE
UNITED STATES

AT THE
CITY OF WASHINGTON, ON THE EIGHTH DAY OF APRIL,

ONE THOUSAND EIGHT

BY THE GENERAL ASSEMBLY

IN THE
GENERAL ASSEMBLY

ONE THOUSAND EIGHT

PUBLIC GENERAL STATUTES, 1861.

WITH NOTES, BY JAMES STEPHEN, Esq., BARRISTER-AT-LAW.

24 VICTORIA.

[THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.]

CAP. I.

An Act to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales. [22nd March, 1861.]

CAP. II.

An Act to apply the Sum of Four Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-one.

[22nd March, 1861.]

CAP. III.

An Act to make further Provision respecting certain Payments to and from the Bank of England, and to increase the Facilities for the Transfer of Stocks and Annuities, and for other Purposes.* [22nd March, 1861.]

WHEREAS it is expedient that the rates of allowance granted to the governor and company of the Bank of England for their charges in the management of the national debt should be altered, and that new regulations should be made for limiting the balances in the hands of the said governor and company of sums issued for the payment of dividends; be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same as follows:

1. *From 5th April, 1861, the Acts 48 Geo. 3, c. 4, and 56 Geo. 3, c. 97, repealed.* From and after the fifth day of April one thousand eight hundred and sixty-one there shall be repealed the following Acts; (that is to say.)

(1.) An Act passed in the forty-eighth year of the reign of his late Majesty George the Third, intituled "An Act to authorise the advancing for the Public Service upon certain Conditions a Proportion of the Balance remaining in the Bank of England for Payment of unclaimed Dividends, Annuities, and Lottery Prizes, and for regulating the Allowances to be paid for the Management of the National Debt."

(2.) An Act passed in the fifty-sixth year of the reign of his late Majesty George the Third, and intituled "An Act to authorise the advancing for the Public Service a Proportion of the Balance that shall remain from Time to Time in the Bank of England for the Payment of Dividends on account of the Public Debt for Lottery Prizes or Benefits not claimed, and Principals of Stocks and Annuities remaining unclaimed."

* It may be here noticed that in the Acts of the present session a trifling change has been made in the accustomed manner of printing,—the sections being now respectively distinguished by *English* instead of *Roman* numerals. The alteration does not appear to be a happy one, as when the section is subdivided, the demarcation is less clear than formerly.

Provided that such repeal shall not affect the payment to the said governor and company of all charges of management of the existing capital of the unredeemed public debt for the year ending the fifth day of April, one thousand eight hundred and sixty-one in the same manner as if this Act had not passed.

2. *As to future payment to the Bank for management of the public debt.* There shall be paid to the governor and company of the Bank of England, on some day between the sixth day of April, and the fifth day of July, one thousand eight hundred and sixty-two, out of the consolidated fund of the United Kingdom, or the growing produce thereof, for their charges in the management of the unredeemed public debt for the year ending on the fifth day of April, one thousand eight hundred and sixty-two, and in like manner on some day between the fifth day of April and fifth day of July in every succeeding year for the management of the debt during the preceding year ending with the fifth day of April in each year, until the fifth day of April, one thousand eight hundred and eighty-six, and thenceforth in any and every succeeding year until Parliament shall otherwise direct, remuneration at the rates following; that is to say,

1st. While the whole of such unredeemed debt, computed as herein-after mentioned, exceeds three hundred million pounds, and does not amount to four hundred million pounds, a sum at the rate of four hundred and fifty pounds per annum, for each million of the capital: (a)

(a) This is the same rate of allowance as was granted by 48 Geo. 3, c. 4, s. 6.

2nd. While the whole of such unredeemed debt amounts to four hundred million pounds, and does not exceed six hundred millions, a sum at the rate of three hundred pounds per annum, for each million of the capital: (b)

(b) The rate granted by the previous Act in this case was £340 per million.

3rd. While the whole of such unredeemed debt exceeds six hundred million pounds, a sum at the rate of three hundred pounds per annum for each million of the capital up to six hundred million pounds, and a sum at the rate of one hundred and fifty pounds per annum for each million of the capital in excess thereof: (c)

(c) The allowance here was formerly larger; namely, £340 up to 600 millions, and for each million of excess, £300.

Provided always, that in estimating the amount of unredeemed debt for the purposes of this Act annuities for terms of years shall be taken into account, and shall for the purpose of making a nominal capital be valued at fifteen years' purchase if originally granted for a term exceeding fifty years, and at ten years' purchase if granted for a term of fifty years or under. (d)

(d) Formerly the valuation was at twenty-five years' purchase, without reference to the length of the original term granted.

3. *Certain charges for management to cease after 5th April, 1861.]* After the said fifth day of April one thousand eight hundred and sixty-one there shall cease to be paid to the governor and company the following sums; that is to say,

- (1.) The sum of four thousand pounds, part of the annuity of one hundred thousand pounds, payable to the said governor and company in pursuance of the Act of the session of the fifth and sixth years of William and Mary, chapter twenty, and subsequent Acts:
- (2.) The annual sum of one thousand five hundred and seventy-nine pounds eight shillings and fourpence payable to the said governor and company in respect of the management of the portion of the capital stock purchased of the South Sea Company, under the provisions of an Act passed in the seventh year of his Majesty King George the First, chapter five.

4. *So much of 7 & 8 Vict. c. 32, as requires the Bank to deduct certain sums from charges for management repealed, and other provisions made.]* So much of the Act of the session of the seventh and eighth years of her present Majesty as requires that the governor and company of the Bank of England shall deduct certain sums payable by them from the sums payable to them for the charges of management of the public unredeemed debt is hereby repealed; and it is enacted that the sum of sixty thousand pounds payable by them under the said Act in consideration of the exemption from stamp duties shall be paid on some day between the sixth day of April and the fifth day of July one thousand eight hundred and sixty-two, and within the like period in every succeeding year, to the Commissioners of Inland Revenue, and the whole allowance out of profits of issue, being at this time one hundred and twenty-eight thousand and seventy-eight pounds, constituting the residue of the monies payable by them under the said Act, shall be paid within the like period to the account of the Comptroller of the Exchequer at the Bank of England, to be carried to and form part of the consolidated fund of the United Kingdom.

5. *Regulation as to balances on the dividend account at the Bank.]* Whenever the balances in the hands of the governor and company of the Bank of England of sums issued for the payment of dividends and terminable annuities on account of the national debt due and not demanded are reduced to a less sum than one hundred thousand pounds, the said governor and company shall certify the amount of deficiency to the Commissioners of the Treasury, and the commissioners shall as often as they may judge expedient direct the issue out of the consolidated fund of a sum not exceeding the amount required to raise the said balances to the sum of one hundred thousand pounds, and within thirty days after the expiration of every quarter an account shall be taken of the lowest amount of the balances in the hands of the said governor and company on the same account; and it shall be lawful for the Commissioners of the Treasury, if they think fit, to require the said governor and company of the Bank of England to repay to the account of the Comptroller of the Exchequer opened in the books of the said Bank any sum by which the said balances may exceed one hundred thousand pounds.

6. *Commissioners of national debt to transmit to Treasury the amount of unredeemed debt on 5th April, 1861.—Allowance for management to be computed on such amount.]* The commissioners for the reduction of the national debt shall transmit to the Commissioners of the Treasury, as soon after the fifth day of April one thousand eight hundred and sixty-one as conveniently may be, a statement of the total capital of the unredeemed debt as it stands on the said fifth day of April one thousand eight hundred and sixty-one; and the allowance for the management of the unredeemed public debt for the year ending the fifth day of April one thousand eight hundred and sixty-two shall be computed on the said capital, and shall be paid to the said governor and company out of the consolidated fund, or the growing produce thereof, in one sum, before the fifth day of July one thousand eight hundred and sixty-two, and the allowance for management shall be computed and paid in like manner in every succeeding year.

7. *Increase of facilities for the transfer of stocks and annuities.]* And whereas the said governor and company have heretofore closed the books for transfer of the various capital stocks and annuities created by Parliament transferable at the Bank of England, forming part of the unredeemed public debt, for a certain number of days prior to the days fixed for payment of

the half yearly dividend thereon respectively, in order to their convenience in calculating the dividends due to the several proprietors thereof, and preparing the warrants for the same, and during the period of such closing no transfers have been permitted, except under circumstances of special necessity, and such transfers have been attended with great inconvenience, by reason of the stock so transferred carrying the right to the current half year's dividend; and whereas it is desirable to increase the facilities for the transfer of such stocks: be it enacted, that it shall be lawful for the said governor and company to close the books for the transfer of the said several stocks and annuities respectively on any day in the month preceding that in which the dividends thereon respectively shall by law be payable; and the person or persons who on the day of the closing of such books was or were inscribed as the proprietor or proprietors of any share or shares of and in such stocks and annuities respectively shall, as between him, her, or them, and the transferee or transferees thereof, be the person or persons entitled to the then current half year's dividend thereon; and the person or persons to whom any transfer shall be made after the day of the closing of such books shall not be entitled to the then current half year's dividend on such stock but shall take and accept the same exclusive of the right to the said half yearly dividend; provided that the period for which such books of transfer shall be closed shall not exceed fifteen days.

8. *Extending powers of 56 G. 3, c. 60, as to the re-transfer of unclaimed dividend stock.]* And whereas by an Act passed in the fifty-sixth year of the reign of his Majesty King George the Third, intituled "An Act to authorise the transferring stock upon which dividends shall remain unclaimed for the space of at least ten years, at the Bank of England and also all lottery prizes or benefits, and balances of sums issued for paying the principal of stocks or annuities, which shall not have been demanded for the same period, to the commissioners for the reduction of the national debt," it is enacted, that it shall be lawful for the governor or deputy governor of the Bank of England for the time being to authorize and direct the accountant-general or secretary of the said governor and company for the time being to re-transfer any capital stock which shall have been transferred to the commissioners for the reduction of the national debt under the circumstances therein mentioned: and whereas it is expedient to extend the authority in the said Act contained to the deputy accountant general and deputy or assistant secretary for the time being of the said governor and company: be it enacted, that all transfers directed to be made under the provisions in that behalf contained in the said Act to and from the account of the said commissioners shall be as valid and effectual, if made by the deputy accountant general or the deputy or assistant secretary of the said governor and company for the time being, as if the same had been made by the accountant general or secretary of the said governor and company for the time being.

9. *Accounts to be laid before Parliament by the Bank.]* The said governor and company shall, within thirty days after the meeting of Parliament in every year, cause an account to be laid before Parliament of the amount of the balances of sums issued for the payment of dividends due and not demanded and which shall be and remain in their hands on the days respectively next before the issue from the exchequer of money for the payment of dividends upon account of the national debt for each of the four preceding quarters respectively.

10. *Provision as to closing books for transfer of East India stocks.]* And whereas the said governor and company have also heretofore closed, in the manner and for the purposes herein-before mentioned, the books for transfer of certain stocks created by the Secretary of State in Council of India, under the authority of certain Acts of Parliament empowering him in that behalf, and it is desirable that the provisions herein-before contained shall extend to the said last-mentioned stocks likewise: be it enacted, that it shall be lawful for the said governor and company in like manner to close the books for the transfer of the said stocks so created by the Secretary of State in Council for India as aforesaid respectively, on any day in the month preceding that in which the dividends thereon respectively shall by law be due, and thereupon the rights of the transferor and transferee respectively to such dividends shall be the same as is herein-before provided respecting the transferor and transferee of dividends of other capital stocks transferable at the Bank of England in the like case; provided that the period for which such books of transfer shall be closed shall not exceed fifteen days.

CAP. IV.

An Act for amending the Red Sea and India Telegraph Act, 1859. [22d March, 1861.

CAP. V.

An Act to amend the Law relating to Supply Exchequer Bills, and to charge the same on the Consolidated Fund. [18th April, 1861.

CAP. VI.

An Act to apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-one. [18th April, 1861.

CAP. VII.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [18th April, 1861.

CAP. VIII.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on Shore. [18th April, 1861.

CAP. IX.

An Act to amend the Law relating to the Conveyance of Land for Charitable Uses. [17th May, 1861.

WHEREAS by an Act passed in the ninth year of the reign of his late Majesty King George the Second, and intituled "An Act to restrain the Disposition of Lands whereby the same become inalienable," it was amongst other things enacted that no lands or other hereditaments should be given, granted, or anyways conveyed, settled, or charged for charitable uses, unless such gift, conveyance, or settlement should be made by deed indented and enrolled, sealed and delivered in the presence of two or more credible witnesses twelve calendar months at least before the death of such donor or grantor, and should be enrolled in the High Court of Chancery within six calendar months next after the execution thereof, and unless the same should be made to take effect in possession for the charitable use intended immediately from the making thereof, and should be without any power of revocation, reservation, trust, condition, limitation, clause, or agreement whatsoever for the benefit of the donor or grantor, or of any person claiming under him: and whereas by another Act passed in the ninth year of the reign of his late Majesty King George the Fourth, and intituled "An Act for remedying a Defect in the Titles of Lands purchased for Charitable Purposes," it was enacted, that where any lands, tenements, or hereditaments, had been purchased for a full and valuable consideration for charitable uses, and such consideration had been actually paid, every deed or other assurance then already made for the purpose of conveying or assuring the same should (subject as in the now-reciting Act mentioned) be as good and valid in all respects as if the several formalities by the said first-recited Act prescribed had been duly observed and performed: and whereas doubts have been entertained with reference to the assurance for charitable uses of hereditaments of copyhold or customary tenure: and whereas it is expedient to make provision for further remedying defects and obviating doubts and difficulties, and as to enrolment in regard to deeds and assurances of hereditaments conveyed for charitable uses in manner herein-after provided: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *No future deed, &c., for charitable uses to be void by reason of not being indented, or of specified stipulations for donor's benefit, or (as to copyholds) for want of deed.* [No deed or assurance hereafter to be made for any charitable uses whatsoever of any hereditaments of any tenure whatsoever, or of any estate or interest therein, shall be deemed to be null and void within the meaning of the first-recited Act by reason of such deed or assurance not being indented, or not purporting to be indented,* nor by reason of such deed or assurance, or any

deed forming part of the same transaction, containing any grant or reservation of any peppercorn or other nominal rent, or of any mines or minerals, or easement, or any covenants or provisions as to the erection, repair, position, or description of buildings, the formation or repair of streets or roads, drainage or nuisances, or any covenants or provisions of the like nature for the use and enjoyment as well of the hereditaments comprised in such deeds or assurance as of any other adjacent or neighbouring hereditaments, or any right of entry on nonpayment of any such rent, or on breach of any such covenant or provision or any stipulations of the like nature for the benefit of the donor or grantor, or of any person or persons claiming under him, nor (in the case of any such assurance of hereditaments of copyhold or customary tenure, or of any estate or interests therein,) by reason of the same not being made by deed, nor in the case of such assurances made *bona fide* on a sale for a full and valuable consideration, by reason of such consideration consisting wholly or partly of a rent, rentcharge, or other annual payment reserved or made payable to the vendor or to any other person with or without a right of re-entry for non-payment thereof: provided always, that in all reservations authorised by this Act the donor, grantor, or vendor shall reserve the same benefits for his representatives as for himself.

2. *Where charitable uses of any future deed, &c., is declared by any separate or other deed &c., enrolment of such separate or other deed, &c. requisite.* [In all cases where the charitable uses of any deed or assurance hereafter to be made for conveyance of any hereditaments for any charitable uses shall be declared by any separate or other deed or instrument, it shall not be necessary, for the purposes of the first-recited Act or of this Act, to enrol such deed or assurance for conveyance; but every such deed or assurance for conveyance shall nevertheless be absolutely null and void unless such separate or other deed or instrument shall within six calendar months next after the making or perfecting of such deed or assurance for conveyance be enrolled in her Majesty's High Court of Chancery, and such enrolment as last aforesaid shall be deemed and treated for all purposes of the first-recited Act and of this Act as if such deed or assurance for conveyance had declared such charitable uses, and had been so enrolled as last aforesaid.

3. *No past deed, &c. for charitable uses upon valuable consideration to be void for any reason if enrolled in chancery.* [No deed or assurance heretofore made and under which possession is now held for any charitable uses whatsoever of any hereditaments of any tenure whatsoever, or of any estate or interest therein, made really and *bona fide* for a full and valuable consideration actually paid at or before the making or perfecting such deed or assurance, or reserved by way of rent, rentcharge, or other annual payment, or partly paid at or before the making or perfecting such deed or assurance and partly reserved as aforesaid, without fraud or collusion, shall for any reason whatever be deemed to be null and void within the meaning of the first-recited Act, if such deed or assurance was made to take effect in possession for the charitable uses intended immediately from the making thereof, and without any power of revocation, and has been at any time prior to the passing of this Act, or shall be within twelve calendar months next after the passing of this Act, enrolled in her Majesty's High Court of Chancery.

4. *Where charitable uses of any past deed, &c., not enrolled are declared by any other deed, &c., enrolment of such other deed, &c. sufficient.—Where neither deed, &c. is enrolled, enrolment of such separate or other deed, &c. requisite.* [In all cases where the charitable uses of any deed or assurance heretofore made for conveyance of any hereditaments for any charitable uses upon such full and valuable consideration as aforesaid, and under which possession is now held for such uses, have been declared by any separate or other deed or instrument, and such deed or assurance for conveyance has not been enrolled in her Majesty's High Court of Chancery prior to the passing of this Act, but such separate or other deed or instrument has been so enrolled; such enrolment shall be deemed and treated for all purposes of the first-recited Act and of this Act as if such deed or assurance for conveyance had declared such charitable uses, and had been so enrolled as last aforesaid; but if neither of such deeds nor such instrument has been so enrolled, then it shall not be necessary for the purposes of the first-recited Act or of this Act to enrol such deed or assurance for conveyance, but every

* Formerly where a statute spoke of a deed *indented*, it was requisite that the deed whereon (under such statute) depended the validity of the transaction, should have been actu-

ally indented. By 8 & 9 Vict. c. 106, s. 5, however, all that is required is that such deed should *purport* to be an indenture. With regard to deeds assigning lands to charitable uses, even this is now rendered unnecessary.

such deed or assurance for conveyance shall nevertheless be absolutely and to all intents and purposes null and void, unless such separate or other deed or instrument shall within twelve calendar months next after the passing of this Act be so enrolled; and such enrolment as last aforesaid shall be deemed and treated for all purposes of the first-recited Act and of this Act as if such deed or assurance for conveyance had declared such charitable uses, and had been so enrolled as last aforesaid.

5. *Act not to invalidate certain deeds, nor to extend to deeds, &c. already avoided, or to pending suits.—When acknowledgement not necessary.*] Nothing in this Act contained shall extend to render null and void or in any manner to affect or apply to any deed already good and valid by virtue of the secondly recited Act or of any other Act, or to give effect to any deed or assurance heretofore made so far as such deed or assurance has already been avoided by any suit at law or in equity, or by any other legal or equitable means whatsoever, or to affect or prejudice any suit at law or in equity actually commenced for avoiding any such deed or assurance, or for defeating the charitable uses in trust or for the benefit of which such deed or assurance has been made; and no deed, assurance, or instrument thirty years old, nor any deed, assurance, or instrument heretofore executed, as to which it shall be proved to the satisfaction of the clerk of enrolments in chancery that the acknowledgement thereof by the grantor of the lands or hereditaments to which the same relates cannot be obtained within twelve calendar months after the passing of this Act, shall for the purposes of the first-recited Act or of this Act require acknowledgement prior to enrolment.

6. *Act not to extend to Scotland or Ireland, nor to prejudice the two universities, or the colleges of Eton, Winchester, or Westminster.*] Nothing in this Act contained shall extend or be construed to extend to the disposition, grant, or settlement of any property or estate lying or being in Scotland or in Ireland, nor to make void any dispositions made or to be made to or in trust for either of the two universities, or any of the colleges or houses of learning within either of such universities, in the first-recited Act mentioned, or to or in trust for the colleges of Eton, Winchester, or Westminster, or any or either of them, for the better support and maintenance of scholars only upon the foundation of the said colleges of Eton, Winchester, and Westminster.

OBSERVATIONS ON THE ABOVE ACT.

The subject of "charitable uses" is closely connected with that of "mortmain," for the same policy which from the earliest times required corporate alienees of lands to obtain licences to hold them from the Crown (a policy enforced and extended by Edward I. in the statute *De religiosis*, and again by Richard II. (in reference to the then newly invented conveyance of lands to the use of religious houses), was soon held to extend to the case where lands, though not conveyed to corporate bodies, were given on trust for what were called *superstitious uses*, that is to say, to large bodies of trustees, with ultimate survivorship, for parish churches or other institutions "erected and made of devotion." And such grants were by statute 23 Hen. 8, c. 10, declared to be void if made for a longer time than twenty years, a restriction which is still in force, unless in a case where the provisions of some of the modern Acts for augmenting poor livings and similar objects apply. See, for example, 17 Car. 2, c. 3, and the recent provision (s. 23), contained in 19 & 20 Vict. c. 104, for making better provision for the spiritual care of populous parishes.

It is true that the statute of Henry VIII. has been held not to apply to *charitable* as distinct from *superstitious* uses; and therefore that lands may well be given to trustees for the maintenance of a school or the sustenance of the poor, and the like; but even these uses are fettered by the statute 9 Geo. 2, c. 36 (passed, it is said, for the protection of heirs against the improvident dispositions of their ancestors on their death-beds), and by that Act, a variety of restrictions must be observed in order to render valid a conveyance of land, or of money to be laid out in the purchase thereof, in trust for any charitable use.

The object of the present Act is to relax the vigour of these restrictions, in certain cases where they have hitherto worked injustice or frustrated charitable intentions without any com-

pensatory advantage. Thus, 1st, by the Act of George II., it not only vitiates the gift to insert in the deed a power of revocation or to make it take effect *in futuro*; but also if there be therein contained any clause whatever for the benefit of the donor or those claiming under him.

This last restriction is, in a great measure, removed for the future, by the first section of the present Act. For it not only is reservation to the donor of a peppercorn or other nominal rent made immaterial; but the grantor is enabled to insert building and similar covenants for the protection or benefit of himself and his representatives (stipulating therein for a right of re-entry in case of breach), and even if the transaction be on a *bona fide* sale for valuable consideration, to reserve a substantial rent or other annual payment as such consideration.

2dly. The Act of Geo. 2, made no arrangement with regard to the grant of lands of copyhold or customary tenure; while it speaks only of assurances *by deed*, which is an expression not applicable to property transferred by entry on the Court Rolls. This is remedied by the present Act, which with regard to lands of such tenure makes the absence of a deed immaterial.

The 3d and 4th clauses of the Act do not introduce any fresh principle, as is the case with the 1st section already adverted to, but are designed to quiet existing titles; and this chiefly by extending the time of complying with the requisites of the Act of Geo. 2 with regard to enrolment, until the 17th May, 1862.

[As to the general effect of this statute, see *ante* p. 451.]

CAP. X.

An Act to extend the Jurisdiction and improve the Practice of the High Court of Admiralty.

[17th May, 1861.]

WHEREAS it is expedient to extend the jurisdiction and improve the practice of the High Court of Admiralty of England: be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Short title.*] This Act may be cited for all purposes as "The Admiralty Court Act, 1861."

2. *Interpretation of terms.*] In the interpretation and for the purposes of this Act (if not inconsistent with the context or subject) the following terms shall have the respective meaning herein-after assigned to them; that is to say,

"Ship" shall include any description of vessel used in navigation not propelled by oars:

"Cause" shall include any cause, suit, action, or other proceeding in the Court of Admiralty.

3. *Commencement of Act.*] This Act shall come into operation on the first day of June one thousand eight hundred and sixty-one.

4. *As to claims for building, equipping, or repairing of ships.*] The High Court of Admiralty shall have jurisdiction over any claim for the building, equipping, or repairing of any ship, if at the time of the institution of the cause the ship or the proceeds thereof are under arrest of the Court. (a)

(a) Unless under a special provision such as is contained in this and some of the following sections, the Court of Admiralty cannot entertain a cause of action not *arising upon the sea* (see 13 Ric. 2, c. 5; 15 Ric. 2, c. 3; Co. Litt. 261; 1 Ventr. 146).

5. *As to claims for necessaries.*] The High Court of Admiralty shall have jurisdiction over any claim for necessaries supplied to any ship elsewhere than in the port to which the ship belongs, unless it is shown to the satisfaction of the Court that at the time of the institution of the cause any owner or part owner of the ship is domiciled in England or Wales: provided always, that if in any such cause the plaintiff do not recover twenty pounds he shall not be entitled to any costs, charges, or expenses incurred by him therein, unless the judge shall certify that the cause was a fit one to be tried in the said court.

6. *As to claims for damage to cargo imported.*] The High Court of Admiralty shall have jurisdiction over any claim by the owner or consignee or assignee of any bill of lading of any goods carried into any port in England or Wales in any ship for damage done to the goods or any part thereof by the negligence or misconduct of or for any breach of duty or breach of contract on the part of the owner, master, or crew of the ship, unless it is shown to the satisfaction of the Court that at the time of the institution of the cause any owner or part owner of the ship is domiciled in England or Wales; provided always, that if in any such cause the plaintiff do not recover twenty pounds he shall not be entitled to any costs, charges, or expenses incurred by him therein, unless the judge shall certify that the cause was a fit one to be tried in the said Court.

7. *As to claims for damage by any ship.*] The High Court of Admiralty shall have jurisdiction over any claim for damage done by any ship. (b.)

(b) See 3 & 4 Vict. c. 65, s. 6.

8. *High Court of Admiralty to decide questions as to ownership, &c., of ships.*] The High Court of Admiralty shall have jurisdiction to decide all questions arising between the owners, or any of them, touching the ownership, possession, employment, and earnings of any ship registered at any port in England or Wales, or any share thereof, and may settle all accounts outstanding and unsettled between the parties in relation thereto, and may direct the said ship or any share thereof to be sold, and may make such order in the premises as to it shall seem fit.

9. *Extending 17 & 18 Vict. c. 104 as to claims for salvage of life.*] All the provisions of "The Merchant Shipping Act, 1854," in regard to salvage of life from any ship or boat within the limits of the United Kingdom, shall be extended to the salvage of life from any British ship or boat, wheresoever the services may have been rendered, and from any foreign ship or boat, where the services have been rendered either wholly or in part in British waters.

10. *As to claims for wages and for disbursements by master of a ship.*] The High Court of Admiralty shall have jurisdiction over any claim by a seaman of any ship for wages earned by him on board the ship, whether the same be due under a special contract or otherwise, and also over any claim by the master of any ship for wages earned by him on board the ship, and for disbursements made by him on account of the ship: provided always, that if in any such cause the plaintiff do not recover fifty pounds, he shall not be entitled to any costs, charges, or expenses incurred by him therein, unless the judge shall certify that the cause was a fit one to be tried in the said court. (c)

(c) Until this provision the *only* way of recovering seamen's wages under £50 was by a summary proceeding under 17 & 18 Vict. c. 104, ss. 188, 189, before two justices of the peace. The claimant has now an option, subject to the peril of losing his costs.

11. *3 & 4 Vict. c. 65, in regard to mortgages extended to Court of Admiralty.*] The High Court of Admiralty shall have jurisdiction over any claim in respect of any mortgage duly registered according to the provisions of "The Merchant Shipping Act, 1854," whether the ship or the proceeds thereof be under arrest of the said court or not. (d)

(d) See 3 & 4 Vict. c. 65, s. 3.

12. *Sections 62 to 65 of 17 & 18 Vict. c. 104 extended to Court of Admiralty.*] The High Court of Admiralty shall have the same powers over any British ship, or any share therein, as are conferred upon the High Court of Chancery in England by the sixty-second, sixty-third, sixty-fourth, and sixty-fifth sections of "The Merchant Shipping Act, 1854." (e)

(e) These powers are in reference to the sale of ship property devolving by death or marriage upon an unqualified owner, and the payment of the proceeds to the person entitled.

13. *Part 9 of 17 & 18 Vict. c. 104 extended to Court of Admiralty.*] Whenever any ship or vessel, or the proceeds thereof, are under arrest of the High Court of Admiralty, the said court shall have the same powers as are conferred upon

the High Court of Chancery in England by the ninth part of "The Merchant Shipping Act, 1854." (f)

(f) This "part" has reference to the liability of ship-owners for damage done by their vessels; and the powers conferred therein upon the Court of Chancery, are to entertain proceedings at the suit of any owner charged with such liability by *several claimants* in order to determine the amount of his liability, and to distribute it rateably among such several claimants. It may be remarked that by sect. 35 of the Common Law Procedure Act, 1860 (repealing sect. 88 of the Common Law Procedure Act, 1854), a similar jurisdiction is conferred on the superior courts of law, so that the owner so charged seems now to have a choice of three separate tribunals to which to refer the matter.

14. *Court to be a court of record.*] The High Court of Admiralty shall be a court of record for all intents and purposes. (g)

(g) Formerly the Court of Admiralty was no court of record (see Bro. Abr., tit. error 177), though it had power to fine and imprison for contempt (*Sparks v. Martyn*, 1 Ventr. 1).

15. *Decrees and orders of Court of Admiralty to have effect of judgments at common law.*] All decrees and orders of the High Court of Admiralty, whereby any sum of money, or any costs, charges, or expenses, shall be payable to any person, shall have the same effect as judgments in the superior courts of common law, and the persons to whom any such monies, or costs, charges, or expenses, shall be payable shall be deemed judgment creditors, and all powers of enforcing judgments possessed by the superior courts of common law, or any judge thereof, with respect to matters depending in the same courts, as well against the ships and goods arrested as against the person of the judgment debtor, shall be possessed by the said Court of Admiralty with respect to matters therein depending; and all remedies at common law possessed by judgment creditors shall be in like manner possessed by persons to whom any monies, costs, charges, or expenses are by such orders or decrees of the said Court of Admiralty directed to be paid. (h)

(h) As to the effects of judgments at common law, see Lush. Pr. (2 ed.), p. 432, and 4 Sol. J., pp. 801, 864.

16. *As to claims to goods taken in execution.*] If any claim shall be made to any goods or chattels taken in execution under any process of the High Court of Admiralty, or in respect of the seizure thereof, or any act or matter connected therewith, or in respect of the proceeds or value of any such goods or chattels, by any landlord for rent, or by any person not being the party against whom the process has issued, the registrar of the said court may, upon application of the officer charged with the execution of the process, whether before or after any action brought against such officer, issue a summons calling before the said court both the party issuing such process and the party making the claim, and thereupon any action which shall have been brought in any of her Majesty's superior courts of record, or in any local or inferior court, in respect of such claim, seizure, act, or matter as aforesaid, shall be stayed, and the court in which such action shall have been brought, or any judge thereof, on proof of the issue of such summons, and that the goods and chattels were so taken in execution, may order the party bringing the action to pay the costs of all proceedings had upon the action after issue of the summons out of the said Admiralty Court, and the judge of the said Admiralty Court shall adjudicate upon the claim, and make such order between the parties in respect thereof and of the costs of the proceedings, as to him shall seem fit, and such order shall be enforced in like manner as any order made in any suit brought in the said court. Where any such claim shall be made as aforesaid the claimant may deposit with the officer charged with the execution of the process either the amount or value of the goods claimed, the value to be fixed by appraisement in case of dispute, to be by the officer paid into court to abide the decision of the judge upon the claim, or the sum which the officer shall be allowed to charge as costs for keeping possession of the goods until such decision can be obtained, and in default of the claimant so doing the officer may sell the goods as if no such claim had been made, and shall pay into court the proceeds of the sale, to abide the decision of the judge.

17. *Powers of superior courts extended to Court of Admiralty.*] The judge of the High Court of Admiralty shall have all such powers as are possessed by any of the superior courts of common law or any judge thereof to compel either party in any cause or matter to answer interrogatories, and to enforce the production, inspection, and delivery of copies of any document in his possession or power.

18. *Party in Court of Admiralty may apply for an order for inspection by Trinity Masters.*] Any party in a cause in the High Court of Admiralty shall be at liberty to apply to the said Court for an order for the inspection by the Trinity Masters or others appointed for the trial of the said cause, or by the party himself or his witnesses, of any ship or other personal or real property, the inspection of which may be material to the issue of the cause, and the Court may make such order in respect of the costs arising thereout as to it shall seem fit.

19. *Admission of documents.*] Any party in a cause in the High Court of Admiralty may call on any other party in the cause by notice in writing to admit any document, saving all just exceptions, and in case of refusal or neglect to admit, the costs of proving the documents shall be paid by the party so neglecting or refusing, whatever the result of the cause may be, unless at the trial the judge shall certify that the refusal to admit was reasonable.

20. *Power to Court of Admiralty, when personal service of citation has not been effected, to order parties to proceed.*] Whenever it shall be made to appear to the judge of the High Court of Admiralty that reasonable efforts have been made to effect personal service of any citation, monition, or other process issued under seal of the said Court, and either that the same has come to the knowledge of the party thereby cited or monished, or that he wilfully evades service of the same, and has not appeared thereto, the said judge may order that the party on whose behalf the citation, monition, or other process was issued be at liberty to proceed as if personal service had been effected, subject to such conditions as to the judge may seem fit, and all proceedings thereon shall be as effectual as if personal service of such citation, monition, or other process had been effected.

21. *As to the service of subpoena out of England and Wales.*] The service in any part of Great Britain or Ireland of any writ of *subpoena ad testificandum* or *subpoena duces tecum*, issued under seal of the High Court of Admiralty, shall be as effectual as if the same had been served in England or Wales.

22. *Power to issue new writs or other process.*] Any new writ or other process necessary or expedient for giving effect to any of the provisions of this Act may be issued from the High Court of Admiralty in such form as the judge of the said Court shall from time to time direct.

23. *Judge and registrar to have same power as to arbitration as judges and masters at common law.*] All the powers possessed by any of the superior courts of common law or any judge thereof, under the Common Law Procedure Act, 1854, and otherwise, with regard to references to arbitration, proceedings thereon, and the enforcing of awards of arbitrators, shall be possessed by the judge of the High Court of Admiralty in all causes and matters depending in the said Court, and the registrar of the said Court of Admiralty shall possess as to such matters the same powers as are possessed by the masters of the said superior courts of common law in relation thereto.

24. *Section 15 of 17 & 18 Vict. c. 104, extended to registrar of Court of Admiralty.*] The registrar of the High Court of Admiralty shall have the same powers under the fifteenth section of the Merchant Shipping Act, 1854, as are by the said section conferred on the masters of her Majesty's Court of Queen's Bench in England and Ireland. (i)

(i) The power here referred to, is to certify the proper amount of the expenses of a witness summoned to give evidence before an inspector appointed by the Board of Trade.

25. *Powers of registrar and of deputy or assistant registrar.*] The registrar of the High Court of Admiralty may exercise, with reference to causes and matters in the said Court, the same powers as any surrogate of the judge of the said Court sitting in chambers might or could have heretofore lawfully exercised; and all powers and authorities by this or any other Act conferred upon or vested in the registrar of the said High Court of Admiralty may be exercised by any deputy or assistant registrar of the said Court.

26. *False oath or affirmation deemed perjury.*] The registrar of the said Court of Admiralty shall have power to administer oaths in relation to any cause or matter depending in the said Court; and any person who shall wilfully depose or affirm falsely in any proceeding before the registrar or before any deputy or assistant registrar of the said Court, or before any person authorized to administer oaths in the said Court, shall be deemed to be guilty of perjury, and shall be liable to all the pains and penalties attaching to wilful and corrupt perjury. (k)

(k) See 17 & 18 Vict. c. 78.

27. *Appointment of registrar and of deputy or assistant registrar.*] Any advocate, barrister-at-law, proctor, attorney, or solicitor of ten years' standing may be appointed registrar or assistant or deputy registrar of the said Court. (l)

(l) Formerly (under 3 & 4 Vict. c. 66, s. 3) the registrar must have been a *proctor* of ten years' standing.

28. *Appointment of examiners.*] Any advocate, barrister-at-law, proctor, attorney, or solicitor may be appointed an examiner of the High Court of Admiralty.

29. *Stamp duty not payable on subsequent admissions of proctors or solicitors.*] Any person who shall have paid on his admission in any court as a proctor, solicitor, or attorney, the full stamp duty of twenty-five pounds, and who has been or shall hereafter be admitted a proctor, solicitor, or attorney, (if in other respects entitled to be so admitted,) shall be liable to no further stamp duty in respect of such subsequent admission.

30. *Proctor may act as agent of solicitors.*] Any proctor of the High Court of Admiralty may act as agent of any attorney or solicitor, and allow him to participate in the profits of and incident to any cause or matter depending in or connected with the said court; and nothing contained in the Act of the fifty-fifth year of the reign of King George the Third, chapter one hundred and sixty, shall be construed to extend to prevent any proctor from so doing, or to render him liable to any penalty in respect thereof.

31. *2 Hen. 4, c. 11, repealed.*] The Act passed in the second year of the reign of King Henry the Fourth, intituled "A Remedy for him who is wrongfully pursued in the Court of Admiralty," is hereby repealed.

32. *Power of appeal in interlocutory matters.*] Any party aggrieved by any order or decree of the judge of the said Court of Admiralty, whether made *ex parte* or otherwise, may, with the permission of the judge, appeal therefrom to her Majesty in council, as fully and effectually as from any final decree or sentence of the said Court. (m)

(m) As to Admiralty appeals, see 2 & 3 Will. 4, c. 92; 3 & 4 Will. 4, c. 41, s. 2; 6 & 7 Vict. c. 38; and 7 & 8 Vict. c. 69; by which two last Acts the Privy Council is enabled to refer all such appeals to the *Judicial Committee*.

33. *Bail given in the Court of Admiralty good in the Court of Appeal.*] In any cause in the High Court of Admiralty, bail may be taken to answer the judgment as well of the said Court as of the Court of Appeal, and the said High Court of Admiralty may withhold the release of any property under its arrest until such bail has been given; and in any appeal from any decree or order of the High Court of Admiralty the Court of Appeal may make and enforce its order against the surety or sureties who may have signed any such bail bond in the same manner as if the bail had been given in the Court of Appeal.

34. *As to the hearing of causes and cross causes.*] The High Court of Admiralty may, on the application of the defendant in any cause of damage, and on his instituting a cross cause for the damage sustained by him in respect of the same collision, direct that the principal cause and the cross cause be heard at the same time and upon the same evidence; and if in the principal cause the ship of the defendant has been arrested or security given by him to answer judgment and in the cross cause the ship of the plaintiff cannot be arrested, and security has not been given to answer judgment therein, the Court may, if it think fit, suspend the proceedings in the principal cause, until security has been given to answer judgment in the cross cause.

35. *Jurisdiction of the Court.*] The jurisdiction conferred by this Act on the High Court of Admiralty may be exercised either by proceedings *in rem* or by proceedings *in personam*.

CAP. XI.

An Act to afford Facilities for the better Ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions.

[17th May, 1861.]

WHEREAS an Act was passed in the twenty-second and twenty-third years of her Majesty's reign, intituled "An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof;" and whereas it is expedient to afford the like facilities for the better ascertainment, in similar circumstances, of the law of any foreign country or state with the government of which her Majesty may be pleased to enter into a convention for the purpose of mutually ascertaining the law of such foreign country or state when pleaded in actions depending in any courts within her Majesty's dominions, and the law as administered in any part of her Majesty's dominions when pleaded in actions depending in the courts of such foreign country or state: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Superior courts within her Majesty's dominions may remit a case, with queries, to a court of any foreign state with which her Majesty may have made a convention for that purpose, for ascertainment of law of such state.]* If, in any action depending in any of the superior courts within her Majesty's dominions it shall be the opinion of such court that it is necessary or expedient, for the disposal of such action, to ascertain the law applicable to the facts of the case as administered in any foreign state or country with the Government of which her Majesty shall have entered into such convention as aforesaid, it shall be competent to the court in which such action may depend to direct a case to be prepared setting forth the facts as these may be ascertained by verdict of jury or other mode competent, or as may be agreed upon by the parties, or settled by such person or persons as may have been appointed by the court for that purpose in the event of the parties not agreeing; and upon such case being approved of by such court or a judge thereof, such court or judge shall settle the questions of law arising out of the same on which they desire to have the opinion of another court, and shall pronounce an order remitting the same, together with the case, to such superior court in such foreign state or country as shall be agreed upon in said convention, whose opinion is desired upon the law administered by such foreign court as applicable to the facts set forth in such case, and requesting them to pronounce their opinion on the questions submitted to them; and upon such opinion being pronounced, a copy thereof, certified by an officer of such court, shall be deemed and held to contain a correct record of such opinion.

2. *Court in which action depends to apply such opinion to the facts set forth in cases, &c.]* It shall be competent to any of the parties to the action, after having obtained such certified copy of such opinion, to lodge the same with the officer of the court within her Majesty's dominions in which the action may be depending who may have the official charge thereof, together with a notice of motion setting forth that the party will, on a certain day named in such notice, move the Court to apply the opinion contained in such certified copy thereof to the facts set forth in the case herein-before specified, and the said Court shall thereupon, if it shall see fit, apply such opinion to such facts, in the same manner as if the same had been pronounced by such Court itself upon a case reserved for opinion of the Court, or upon special verdict of a jury; or the said last-mentioned Court shall, if it think fit, when the said opinion has been obtained before trial, order such opinion to be submitted to the jury with the other facts of the case as conclusive evidence of the foreign law therein stated, and the said opinion shall be so submitted to the jury: provided always, that if after having obtained such certified copy the Court shall not be satisfied that the facts had been properly understood by the foreign court to which the case was remitted or shall on any ground whatsoever be doubtful whether the opinion so certified does correctly represent the foreign law as regards the facts to which it is to be applied, it shall be lawful for such Court to remit the said case, either with or without alterations or amendments, to the same or to any other such superior court in such foreign state as aforesaid, and so from time to time as may be necessary or expedient.

3. *Courts in her Majesty's dominions may pronounce opinion on case remitted by a foreign Court.]* If in any action depending in any court of a foreign country or state with whose Government her Majesty shall have entered into a convention as above set forth, such Court shall deem it expedient to ascertain the law applicable to the facts of the case as administered in any part of her Majesty's dominions, and if the foreign court in which such action may depend shall remit to the Court in her Majesty's dominions whose opinion is desired a case setting forth the facts and the questions of law arising out of the same on which they desire to have the opinion of a Court within her Majesty's dominions, it shall be competent to any of the parties to the action to present a petition to such last-mentioned Court, whose opinion is to be obtained, praying such Court to hear parties or their counsel, and to pronounce their opinion thereon in terms of this Act, or to pronounce their opinion without hearing parties or counsel; and the Court to which such petition shall be presented shall consider the same, and, if they think fit, shall appoint an early day for hearing parties or their counsel on such case, and shall pronounce their opinion upon the questions of law as administered by them which are submitted to them by the foreign Court; and in order to their pronouncing such opinion they shall be entitled to take such further procedure thereupon as to them shall seem proper, and upon such opinion being pronounced a copy thereof, certified by an officer of such court, shall be given to each of the parties to the action by whom the same shall be required.

4. *Interpretation of terms.]* In the construction of this Act the word "action" shall include every judicial proceeding instituted in any court civil, criminal, or ecclesiastical; and the words "superior courts" shall include, in England, the superior courts of law at Westminster, the Lord Chancellor, the Lords Justices, the Master of the Rolls, or any Vice-Chancellor, the Judge of the Court of Admiralty, the Judge Ordinary of the Court for Divorce and Matrimonial Causes, and the Judge of the Court of Probate; in Scotland, the High Court of Justiciary, and the Court of Session acting by either of its divisions; in Ireland, the Superior Courts of Law at Dublin, the Master of the Rolls, and the Judge of the Admiralty Court; and in any other part of her Majesty's dominions, the superior courts of law or equity therein; and in a foreign country or state, any superior court or courts which shall be set forth in any such convention between her Majesty and the Government of such foreign country or state.

CAP. XII.

An Act for the Abolition of Contributions by Counties for the Relief of Prisoners in the Queen's Prison, and for the Benefit of Bethlehem Hospital.

[17th May, 1861.]

WHEREAS by an Act passed in the fifty-third year of the reign of King George the Third, intituled "An Act for providing Relief for the poor Prisoners confined in the King's Bench, Fleet, and Marshalsea Prison," provision is made for payment of several sums of money by the treasurers of the several counties and divisions of counties mentioned in the schedule annexed to the said Act, in part to the treasurer of the county of Surrey for the relief of the prisoners confined in the King's Bench and Marshalsea Prisons, and in part to the treasurer or chamberlain of the city of London for the relief of the prisoners confined in the Fleet Prison; and it is by the said Act further enacted, that any surplus that might remain of the several sums of money so to be paid as aforesaid, after relieving the prisoners confined in the said prisons, according to the directions therein mentioned, should be paid by them to the treasurer for the time being of Bethlehem Hospital for the relief and benefit of the said hospital: and whereas by an Act passed in the session holden in the fifth and sixth years of the reign of her present Majesty, chapter twenty-two, and intituled "An Act for consolidating the Queen's Bench, Fleet, and Marshalsea Prisons, and for regulating the Queen's Prison," the Fleet and Marshalsea Prisons were abolished, and by the eighth section of the said Act all monies provided by the said first-mentioned Act to be paid for the relief of prisoners confined in the King's Bench, Fleet, and Marshalsea Prisons were directed to be paid to the Marshal or Keeper of the Queen's Prison without prejudice to the right of Bethlehem Hospital to receive any surplus that might remain after relieving the poor prisoners in the Queen's Prison: and whereas it is expedient that the contributions by the said Acts directed to be made by the several above-mentioned counties and divisions of counties for the relief of poor

prisoners and for the benefit of Bethlehem Hospital should be abolished: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. 53 Geo. 3, c. 113, and sect. 8 of 5 & 6 Vict., c. 22, repealed.] The said Act passed in the fifty-third year of the reign of King George the Third, chapter one hundred and thirteen, and the said eighth section of the Act passed in the session holden in the fifth and sixth years of the reign of her present Majesty, chapter twenty-two, shall be repealed, and all contributions required to be made by counties or divisions of counties, in pursuance of the aforesaid provisions, shall henceforth cease.

CAP. XIII.

An Act to enable the Admiralty to acquire Property for the Enlargement of the Royal Marine Barracks in the Parish of East Stonehouse in the County of Devon.

[17th May, 1861.

CAP. XIV.

An Act to grant additional Facilities for depositing small Savings at Interest, with the Security of the Government for due Repayment thereof.

[17th May, 1861.

WHEREAS it is expedient to enlarge the facilities now available for the deposit of small savings, and to make the General Post Office available for that purpose, and to give the direct security of the State to every such depositor for repayment of all monies so deposited by him, together with the interest due thereon: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same:

1. *Postmaster-General may direct officers in post-office to receive deposits.*] It shall be lawful for the Postmaster-General, with the consent of the commissioners of her Majesty's treasury, to authorise and direct such of his officers as he shall think fit to receive deposits for remittance to the principal office, and to repay the same, under such regulations as he, with the concurrence of the Commissioners of her Majesty's Treasury, may prescribe in that respect.

2. *Legal title of depositor to repayment.*] Every deposit received by any officer of the Postmaster-General appointed for that purpose shall be entered by him at the time in the depositor's book, and the entry shall be attested by him and by the dated stamp of his office, and the amount of such deposit shall upon the day of such receipt be reported by such officer to the Postmaster-General, and the acknowledgment of the Postmaster-General, signified by the officer whom he shall appoint for the purpose, shall be forthwith transmitted to the depositor, and the said acknowledgment shall be conclusive evidence of his claim to the repayment thereof, with the interest thereon, upon demand made by him on the Postmaster-General; and, in order to allow a reasonable time for the receipt of the said acknowledgment, the entry by the proper officer in the depositor's book shall also be conclusive evidence of title for ten days from the lodgment of the deposit; and if the said acknowledgment shall not have been received by the depositor through the post within ten days, and he shall, before or upon the expiry thereof, demand the said acknowledgment from the Postmaster-General, then the entry in his book shall be conclusive evidence of title during another term of ten days, and *totes quoties*: provided always, that such deposits shall not be of less amount than one shilling, nor of any sum not a multiple thereof.

3. *Depositors entitled to repayments not later than ten days after demand made.*] On demand of the depositor or party legally authorised to claim on account of a depositor, made in such form as shall be prescribed in that behalf, for repayment of any deposit, or any part thereof, the authority of the Postmaster-General for such repayment shall be transmitted to the depositor forthwith, and the depositor shall be absolutely entitled to repayment of any sum or sums that may be due to him within ten days at farthest after his demand shall be made at any post-office where deposits are received or paid.

4. *Names of depositors, &c., not to be disclosed.*] The officers of the Postmaster-General engaged in the receipt or

payment of deposits shall not disclose the name of any depositor nor the amount deposited or withdrawn, except to the Postmaster-General, or to such of his officers as may be appointed to assist in carrying this Act into operation.

5. *Money to be paid to Commissioners for the Reduction of the National Debt, and repaid to depositors through post office.*] All monies so deposited with the Postmaster-General shall forthwith be paid over to the Commissioners for the Reduction of the National Debt; and all sums withdrawn by depositors, or by parties legally authorised to claim on account of depositors, shall be repaid to them out of the said monies, through the office of her Majesty's Postmaster-General.

6. *Additional security to depositor.*] If at any time the fund to be created under the authority of this Act by the investment of the deposits shall be insufficient to meet the lawful claims of all depositors it shall be lawful for the Commissioners of her Majesty's Treasury, upon being duly informed thereof by the Commissioners for the Reduction of the National Debt, to issue the amount of such deficiency out of the consolidated fund of the United Kingdom, or out of the growing produce thereof; and the said Commissioners of her Majesty's Treasury shall certify such deficiency to Parliament.

7. *Rate of interest payable to depositors.*] The interest payable to the parties making such deposits shall be at the rate of two pounds ten shillings per centum per annum, but such interest shall not be calculated on any amount less than one pound or some multiple thereof, and not commence until the first day of the calendar month next following the day of deposit, and shall cease on the first day of the calendar month in which such deposit is withdrawn.

8. *Interest how calculated.*] Interest on deposits shall be calculated to the thirty-first day of December in every year and shall be added to and become part of the principal money.

9. *Investment of funds received under this Act.*] The monies remitted to the Commissioners for the Reduction of the National Debt under the authority of this Act shall be invested in some or in all of the securities in which the funds of savings banks established under the existing laws may be invested; and a separate and distinct account shall be kept by the said commissioners of all receipts, investments, sales and repayments; and a balance sheet of such account from the first of January to the thirty-first of December in every year shall be laid before both Houses of Parliament not later than the thirty-first of March in every year.

10. *Depositors desiring to transfer their deposits.—Not necessary to have rules, &c., of savings banks again certified.*] If any depositor making deposit under this Act shall desire to transfer the amount of such deposit to a savings bank established under the Acts relating to savings banks, he shall, upon application to the chief office of the Postmaster-General, be furnished with a certificate stating the whole amount which may be due to him, with interest, and thereupon his account under this Act shall be closed; and, upon delivery of such certificate to the trustees or managers of the savings bank to which it is proposed by the depositor to transfer such deposit, they shall, if they think fit, open an account for the amount stated in such certificate for such depositor, who shall thereupon be subject to the rules of such savings bank; and the amount so transferred shall, upon such certificate being forwarded to the Commissioners for the Reduction of the National Debt, be written off in the books of the said commissioners from the amount of monies received under the authority of this Act, and shall be carried to the account of the savings bank to which such transfer shall have been made; and in like manner, if any depositor in a savings bank established under the savings bank Acts shall desire to transfer the amount due to him, with interest, from such savings bank to the Postmaster General, for deposit under the provisions of this Act, the trustees or managers of such savings bank shall, upon his request, furnish such depositor with a certificate, in a form to be approved by the Commissioners for the Reduction of the National Debt, signed by two trustees of such savings bank, and thereupon his account with such savings bank shall be closed, which certificate the depositor may deliver to any officer of the Postmaster General authorised to receive deposits under this Act, and such certificate shall for the amount therein set forth be considered to be a deposit made under the authority of this Act, and being forwarded to the said commissioners, the said amount shall then be transferred in the books of the said commissioners from the account of the said savings bank to the credit of the account of monies deposited under the authority of this Act. Provided always, that nothing contained

in this Act respecting savings banks shall render it necessary to have the rules and regulations of any savings bank again certified if the same have been before certified according to law.

11. *Postmaster-General, with consent of Treasury, to make regulations.—Copies of regulations to be laid before Parliament.*] The Postmaster-General, with the consent of the Commissioners of her Majesty's Treasury, may make, and from time to time, as he shall see occasion, alter regulations for superintending, inspecting, and regulating the mode of keeping and examining the accounts of depositors, and with respect to the making of deposits and to the withdrawal of deposits and interest, and all other matters incidental to the carrying this Act into execution, in his department, and all regulations so made shall be binding on the parties interested in the subject matter thereof to the same extent as if such regulations formed part of this Act; and copies of all regulations issued under the authority of this Act shall be laid before both Houses of Parliament within fourteen days from the date thereof, if Parliament shall be then sitting, and if not then within fourteen days from the next re-assembling of Parliament.

12. *Accounts to be laid before Parliament.*] An annual account of all deposits received and paid under the authority of this Act, and of the expenses incurred during the year ended the thirty-first of December, together with a statement of the total amount due at the close of the year to all depositors, shall be laid by the Postmaster-General before both Houses of Parliament not later than the thirty-first of March in every year.

13. *Accounts to be examined by commissioners of audit.*] The annual accounts of the Postmaster-General, and of the Commissioners for the Reduction of the National Debt, to the thirty-first of December in each year, in respect to all monies deposited or invested under the authority of this Act, shall annually, prior to the thirty-first of March in each year, be submitted for examination and audit to the commissioners for auditing public accounts.

14. *Provisions of Savings Bank Acts applicable to this Act.*] All the provisions of the Acts now in force relating to savings banks as to matters for which no other provision is made by this Act shall be deemed applicable to this Act, so far as the same are not repugnant thereto.

15. *Expenses of Act.*] All expenses incurred in the execution of this Act shall be paid out of the monies received under the authority of this Act.

GENERAL OBSERVATIONS ON THE ABOVE ACT.

Although this statute received the royal assent more than two months ago, it has only very recently been made known to the general public, and for this among other reasons it is of course far too early to be able to form any well-grounded opinion as to its likelihood of proving a success—that is to say, as to its chance of gradually absorbing into the post-office, and under the words of the Act itself, “the direct security of the State,” the greater part of the immense funds which within the time of the first establishment of savings banks,—now about forty years since—have been entrusted to these institutions. How vast these sums now must be, may be gathered from the facts that the Parliamentary returns made in the Session 1857, (No. 23), show that on the 20th November, 1855, the deposits in England, Ireland, and Scotland, amounted in the aggregate to more than 34 millions sterling, while the number of accounts opened at the same date was 1,304,833. If, therefore, even a considerable portion of these sums was gradually diverted to the new banks of deposit now originated, the scheme will hereafter assume gigantic proportions, and will obviously require the development of much machinery for the purpose of carrying it out in detail. It may be here observed that in more than one material point the plan of the new banks differs from that which already exists. Thus, instead of the interest payable being—as in the old establishments—at the rate of £3 0s. 10d. per cent. (see 7 & 8 Vict. c. 83, s. 2), the interest given under the present Act to depositors is only £2 10s. 0d. per cent.; and is, moreover, not to be calculated on any amount less than one

pound or some multiple thereof. Again, by the present Act, a depositor will not necessarily receive repayment until the tenth day after demand (see sect. 3); whereas by the rules of many savings banks, a deposit to the extent of £5 at least, may be got out after seven days' notice. These distinctions, so far as they go, are all in favour of the existing institutions; but then in these, deposits can only be made at stated periods, never, we believe, at less intervals than a week, while in the new banks it appears to be intended that sums shall be received from time to time (of course during office hours) whenever a fit of economy seizes the passer-by. Perhaps, however, the most important question which will arise on the Act is, as to the proper construction of the 14th section, which purports to incorporate a variety of the provisions which now regulate saving banks into the new statute. It may, however, be doubtful, whether some of these will not be held to be “repugnant” to the new scheme. For example, it is enacted by 9 Geo. 4, c. 92, s. 45, that all disputes between a savings bank and any of its members or their representatives, shall be referred to the arbitration of two indifferent persons, one to be chosen by the trustees or managers, and the other by the party with whom the dispute arose—but whether this scheme would be applicable to the post-office banks may admit of some doubt. On the other hand, it would appear to be clear that most of the provisions in the Savings Banks Act, which are calculated to save expense to the depositors, may very reasonably be held, by virtue of the 14th section, to be also law with regard to post-office banks—and that, consequently, no legacy or probate or administration duty will attach to the estate of a deceased depositor being less than £50 (see 9 Geo. 4, c. 92, s. 40), and that in such cases if no will or letters of administration be produced within a month from the depositor's death, the money may be repaid to such person or persons as may appear to be entitled thereto under the Statute of Distributions (see 7 & 8 Vict. c. 83, s. 10), and again, that a deposit made by a married woman may be repaid to her unless her husband or his representative interferes (see *ibid.*)

CAP. XV.

An Act to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Alice Maud Mary.

[17th May, 1861.]

CAP. XVI.

An Act to render valid Marriages heretofore solemnized in Trinity Church, Rainow, and in other Churches and Chapels.

[17th May, 1861.]

CAP. XVII.

An Act to amend an Act of the Twentieth and Twenty-first Years of the Reign of Her Majesty, for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland.

[7th June, 1861.]

CAP. XVIII.

An Act to make Provision for the Dissolution of Combinations of Parishes in Scotland as to the Management of the Poor.

[7th June, 1861.]

CAP. XIX.

An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-one.

[7th June, 1861.]

CAP. XX.

An Act to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty, and to alter and repeal certain other Duties.

[19th June, 1861.]

Most Gracious Sovereign,
WE, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland

in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto your Majesty the several rates and duties hereinafter mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Grant of duties specified in schedules annexed.*] There shall be charged, collected, and paid for the use of her Majesty, her heirs and successors, the several rates and duties of customs, excise, and income tax respectively specified and contained in the several schedules marked respectively (A.), (B.), and (C.) to this Act annexed; and the several drawbacks therein specified and contained shall be allowed, and such rates, duties, and drawbacks shall respectively take effect, at or from the respective times, and shall continue to be charged, collected, paid, and allowed for and during the periods respectively specified or mentioned in that behalf in the said schedules; and where with regard to any of such rates, duties, and drawbacks no time is so specified for the commencement thereof, the same shall commence and take effect from and after the passing of this Act; and where with regard to any of the said rates, duties and drawbacks no period is so as aforesaid specified or limited for the duration thereof, the same shall continue to be charged, collected, paid, and allowed until Parliament shall otherwise order; and the said several schedules shall be deemed to be part of this Act.

2. *Provisions of former Act to apply.*] All the powers, provisions, clauses, regulations, allowances and exemptions, forfeitures, pains and penalties, contained in or imposed by any Act or Acts, or any schedule thereto, relating to any duties of the same kind or description as the several rates or duties granted by this Act respectively and in force at the time of the passing of this Act, or as regards the income tax in force on the fifth day of April one thousand eight hundred and sixty-one, shall respectively be of full force and effect with respect to the said rates and duties by this Act granted respectively, so far as the same are or shall be applicable, in all cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned rates and duties respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express provisions of this Act, as fully and effectually, to all intents and purposes, as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the rates and duties by this Act granted respectively.

3. *Persons entrusted with the payment of dividends and interest due since 5th April 1861, and before the passing of this Act, to make returns thereof to the special commissioners in order to the assessment of persons who have received such dividends and interest.—Dividends and interest, due since 5th April to be assessed by the special commissioners.*] And whereas since the fifth day of April now last past and before the passing of this Act divers dividends, annuities and shares of annuities, and interest on loans and on bonds, debentures, and other securities directed by the Acts relating to the income tax in force on the said last-mentioned day to be assessed under Schedule (C.) of the said Acts have become due and payable, and by reason of the expiration of the said Acts before the passing of this Act have not been assessed and charged with the said tax; and it is expedient to provide for the assessment thereof with the rates and duties of income tax granted by this Act, and for the collection of the sums assessed from the persons respectively to whom such dividends, annuities, shares, and interest have been paid or who are entitled thereto:

Be it enacted, that all persons respectively entrusted with the payment of any such dividends, annuities, shares, or interest as aforesaid, or who have paid the same, either as agent or otherwise, shall, within one calendar month after the passing of this Act, deliver or cause to be delivered to the commissioners for special purposes at the head office of inland revenue at Somerset House in the city of Westminster an account in writing, duly authenticated and signed by such persons respectively, containing a description of all such dividends, annuities, shares, and interest entrusted to them for payment which have become due or payable since the fifth day of April last, and also a true and perfect account of the names and residences of the several persons to whom the same have

become due or payable, and the several sums which have been so paid to them, or to which they have become entitled respectively; and the said commissioners for special purposes shall make assessments thereon respectively, under Schedule (C.) of the Acts relating to the income-tax, of the rates and duties of income-tax granted by this Act, and the sum so assessed shall be paid to the Receiver-General of inland revenue by the several persons who shall have received or are entitled to such dividends, annuities, shares, and interest respectively; and in default of such payment the sums so assessed shall be recoverable from the said last-mentioned persons, and shall be collected and levied in like manner as any other assessments made by the said commissioners are or may be by law directed or authorised to be recovered, collected, or levied: provided always, that if any sum so assessed shall not be so paid, recovered, or collected by or from any person chargeable therewith, and such person shall at any time hereafter become entitled to any further payment of the like dividends, annuities, shares, or interest, the person entrusted with the payment thereof as aforesaid shall, on notice and requisition from the said commissioners in that behalf, deduct and retain from and out of such further payment any such sum assessed and remaining unpaid as aforesaid, as well as any further assessment chargeable in respect of such further payment of the said dividends, shares, annuities, or interest; and the person deducting and retaining any such sum of money assessed as aforesaid shall pay the same into the Bank of England to the account of the said Receiver-General, in like manner as he is by any Act relating to the income-tax required or directed to pay over any other sums of money deducted or retained by him for income-tax; and if any person entrusted with the payment of or who hath paid any such dividends, annuities, shares, or interest as aforesaid, either as agent or otherwise, shall neglect or refuse to do any Act hereby required or directed to be done or performed by him, he shall forfeit the sum of one hundred pounds.

4. *On and after October 1, 1861, the excise duties, allowances, and drawbacks on paper, and customs duties on articles specified in Schedule (D.), repealed, except as to arrears and penalties.*] On and after the first day of October one thousand eight hundred and sixty-one the duties of excise now payable on paper of any denomination, and buttonboard, millboard, pasteboard, and scaleboard, and also the duties of customs now payable upon the importation into the United Kingdom of the articles specified and contained in Schedule (D.) to this Act annexed, and also all allowances and drawbacks of or in respect of any of such duties, shall cease, and shall be no longer charged, levied, allowed, or paid respectively; and all Acts, clauses, provisions, and regulations for charging, levying, collecting, allowing, and paying the said duties, allowances, and drawbacks respectively shall be and the same are hereby repealed; save and except as to all such duties, allowances, and drawbacks, and all fines, penalties, and forfeitures, as have respectively been charged or incurred, or become payable, or which before the said last-mentioned day may be charged or incurred, or become payable, and then remain in arrear or uncollected or unpaid; all which said duties, allowances, and drawbacks, fines, penalties, and forfeitures, so in arrear or uncollected or unpaid as aforesaid, may be sued for, recovered, collected, levied, and paid respectively as if this Act had not been passed.

5. *Stationers entitled to allowance of excise duty in respect of unbroken reams, &c. of paper in their stock.*] Provided always, that any stationer, pasteboard maker, or paper stainer who shall have in his stock or possession on the first day of October one thousand eight hundred and sixty-one one ton weight of paper of any denomination, buttonboard, millboard, or pasteboard, or any or either of them, on which the duties of excise have been fully charged, and shall produce the same to the proper officer of excise authorised by the commissioners of inland revenue to take an account thereof, in reams, half-reams, or parcels, whole and unopened, with the wrapper unbroken and the excise label thereon uncancelled and unobiterated, shall be entitled to claim and be allowed the whole or such proportion as hereinafter-mentioned of the duty charged on such paper, buttonboard, millboard, and pasteboard respectively; (that is to say), if such paper, buttonboard, millboard, or pasteboard shall have been charged with duty after the fifteenth day of May one thousand eight hundred and sixty-one, the whole of the duty so charged; and if such paper, buttonboard, millboard, or pasteboard shall have been charged with duty at any time on or before the said last-mentioned day, then at the rate of one penny for every

bound weight avoidupois of such last-mentioned paper, buttonboard, millboard, and pasteboard, and such allowance shall be claimed and be repaid to the party entitled thereto in the manner directed by and under and subject to the provisions of this Act, and such rules and regulations as the Commissioners of Inland Revenue may make in that behalf.

6. Mode of claiming allowance of excise duty on paper.] Every person who shall claim to be entitled to any such allowance of duty as aforesaid shall separate the paper, buttonboard, millboard, and pasteboard charged after the fifteenth day of May one thousand eight hundred and sixty-one on which he intends to claim any such allowance from that charged on or before the said last-mentioned day, and shall keep it separate until the officer of excise has taken the account by this Act directed to be taken, and shall within two days next after the said first day of October one thousand eight hundred and sixty-one give notice in writing to the proper officer of excise of the division in which the paper, buttonboard, millboard, or pasteboard shall be deposited of his name and place of abode, and the description of business carried on by him, and also of the particular house, shop, or warehouse in which any paper, buttonboard, millboard, or pasteboard in respect of which he intends to claim any such allowance shall be kept or deposited, and specifying the number of reams, half reams, or parcels of such paper, buttonboard, millboard, or pasteboard, and the weight marked, written, or printed on each ream, half ream, or parcel by the maker thereof, distinguishing that whereon the duty shall have been charged after the fifteenth day of May one thousand eight hundred and sixty-one from that whereon the duty was charged on or before the said last-mentioned day, and the total weight of each quantity so distinguished, and the amount of the allowance of duty claimed in respect thereof; and if any person claiming such allowance as aforesaid shall neglect or fail in any respect to comply with the regulations or directions in this Act contained or authorised to be made or given, or shall do anything contrary thereto, he shall not have or be entitled to any allowance in respect of any paper, buttonboard, millboard, or pasteboard in his stock or possession.

7. Officer to examine claims and stock, and to grant certificate of allowance.] The proper officer of excise authorized by the Commissioners of Inland Revenue shall, as soon as conveniently may be after such notice given as aforesaid, attend at the place therein mentioned as the place where any such paper, buttonboard, millboard, or pasteboard is deposited, and shall there examine, weigh, and take an account of the same, and ascertain and compute the amount of the allowance to which the claimant may be entitled in respect thereof; and such officer shall with all convenient speed give to such claimant a certificate expressing the true quantity and weight of the paper, buttonboard, millboard, and pasteboard respectively in respect of which such claimant shall be entitled to the allowance, distinguishing the quantity on which the duty may have been charged after the fifteenth day of May one thousand eight hundred and sixty-one from that whereon the duty has been charged on or before the said last-mentioned day, and specifying the amount of the allowance in respect of each such quantity, and the aggregate amount of both, and also the name and place of abode of the person entitled thereto, and the description of business carried on by him.

8. Declaration to be made of the truth of the certificate, and collector to pay the amount of the allowance.] On the production of such certificate by the claimant or his agent to the collector of excise of the collection in which the same was granted, and on a solemn declaration being made by such claimant before a justice of the peace or such collector that the whole quantity of the said paper, buttonboard, millboard, and pasteboard of the respective kinds mentioned in such certificate was at the time therein specified in his stock or possession, and was the sole property of such claimant, or of him and his co-partner in trade, (as the case may be,) and that the same or any part thereof hath not been taken account of for the purpose of obtaining the said allowance more than once, and that the said certificate is true to the best of his knowledge and belief, and that no false statement, art, or contrivance was used to deceive the officer taking an account of such paper, buttonboard, millboard, or pasteboard, or any part thereof, or to render the account or amount thereof expressed in such certificate untrue, the said collector, being satisfied of the truth of such declaration, shall, out of the money in his hands on account of any of the duties of excise, pay to the said claimant or his agent the sum of money specified in such

certificate at the next sitting day which shall be held for the collection or receipt of excise duties next after the expiration of one week from the production of such certificate and the making of such declaration as aforesaid.

9. Penalty for forged or false certificate or false declaration.] And if any person shall forge or counterfeit, or cause to be forged or counterfeited, any certificate by this Act directed to be given, or shall knowingly or wilfully give any false or untrue certificate, or shall alter or erase, or cause to be altered or erased, any such certificate granted by any officer of excise, or shall make use of or in any manner utter such certificate, knowing the same to be forged, counterfeited, false, untrue, altered, or erased, or if any person shall knowingly or wilfully make any false declaration in relation to any such certificate, or any of the matters therein expressed or contained, every person so offending shall for every such offence forfeit the sum of five hundred pounds.

SCHEDULES.

(A.)

Containing the Rates and Duties of Customs granted, and the Drawbacks allowed on the following Articles, by this Act.

The duties of customs now charged on the articles next mentioned shall continue to be levied and charged, on and after the first day of July, one thousand eight hundred and sixty-one, until the first day of July, one thousand eight hundred and sixty-two, on importation into Great Britain and Ireland; that is to say,

	£ s. d.
Tea (without any allowance for draft) . the lb.	0 1 5
Almonds, paste of "	0 0 2
Cherries, dried "	0 0 2
Comfits, dry "	0 0 2
Confectionery "	0 0 2
Ginger, preserved "	0 0 2
Marmalade "	0 0 2
Plums, preserved in sugar "	0 0 2
Succades, including all fruits and vegetables preserved in sugar, not otherwise enumerated the lb.	0 0 2

SUGAR; viz.

Candy, brown or white, refined sugar, or sugar rendered by any process equal in quality thereto the cwt.	0 18 4
White clayed sugar, or sugar rendered by any process equal in quality to white clayed, not being refined or equal in quality to refined the cwt.	0 16 0
Yellow muscovado and brown clayed sugar, or sugar rendered by any process equal in quality to yellow muscovado or brown clayed, and not equal to white clayed the cwt.	0 13 10
Brown muscovado or any other sugar, not being equal in quality to yellow muscovado or brown clayed sugar the cwt.	0 12 8
Cane juice "	0 10 4
Molasses "	0 5 0

The following drawbacks shall be allowed on exportation to foreign parts, or on removal to the Isle of Man for consumption there, of the several descriptions of refined sugar herein-after mentioned, on and after the first day of July, one thousand eight hundred and sixty-one, until the first day of July, one thousand eight hundred and sixty-two; that is to say,

	£ s. d.
Upon refined sugar, in loaf, complete or whole, or lumps duly refined, having been perfectly clarified and thoroughly dried in the stove, and being of an uniform whiteness throughout, or sugar candy, or sugar refined by the centrifugal machine, or by any other process, and not in any way inferior to the export standard, No. 3, approved by the Lords of the Treasury for every cwt.	0 17 2
Upon such refined sugar already described, if powdered, crushed, or broken in a warehouse approved by the commissioners of customs, such sugar having been there first inspected by the officers of customs in lumps or loaves, as if for immediate shipment, and then	

	£ s. d.
packed for exportation in the presence of such officers, and at the expense of the exporters for every cwt.	0 17 2
Upon refined sugar unstoed, pounded, crushed, or broken, and not in any way inferior to the export standard sample, No. 1, approved by the Lords of the Treasury, and which shall not contain more than 5 per cent. moisture over and above what the same would contain if thoroughly dried in the stove for every cwt.	0 16 4
Upon bastard or refined sugar, unstoed, broken in pieces, or being ground, powdered, or crushed, not in any way inferior to the export standard sample, No. 2, approved by the Lords of the Treasury for every cwt.	0 15 1
Upon bastard or refined sugar being inferior in quality to the said export standard sample, No. 2 for every cwt.	0 12 8
In lieu of the duties of customs now charged on the articles under mentioned, the following duties of customs shall on and after the sixteenth day of April, one thousand eight hundred and sixty-one, be charged thereon on importation into Great Britain and Ireland; that is to say,	

	£ s. d.
CHICORY, or any other vegetable matter applicable to the uses of chicory or coffee; viz. Raw or kiln-dried for every cwt.	0 12 0

(B.)

Containing the Duties of Excise granted by this Act.

CHICORY:

For and upon all chicory or any other vegetable matter applicable to the uses of chicory or coffee grown in the United Kingdom; For every hundredweight thereof, raw or kiln-dried, until the first day of April, one thousand eight hundred and sixty-two, the duty of eight shillings and sixpence, and on and after that day the duty of eleven shillings, and so in proportion for any greater or less quantity than a hundredweight: In lieu of the duties of excise now payable thereon.

(C.)

Containing the Rates and Duties of Income Tax granted by this Act.

For one year, commencing on the sixth day of April, one thousand eight hundred and sixty-one, for and in respect of all property, profits, and gains mentioned or described as chargeable in the Act passed in the sixteenth and seventeenth years of her Majesty's reign, chapter thirty-four, for granting to her Majesty duties on profits arising from property, professions, trades, and offices, the following rates and duties, that is to say:—

For every twenty shillings of the annual value or amount of all such property, profits, and gains (except those chargeable under schedule (B.) of the said Act), the rate or duty of ninepence; And for and in respect of the occupation of lands, tenements, hereditaments, and heritages chargeable under schedule (B.) of the said Act, for every twenty shillings of the annual value thereof. In England the rate or duty of fourpence halfpenny; and In Scotland and Ireland respectively the rate or duty of threepence; Subject to the provision contained in the said Act, sixteen and seventeen Victoria, chapter thirty-four, section twenty-eight, for the relief of persons whose incomes are under £150 a-year respectively, from so much of the said duties as shall exceed the rate of sixpence for every twenty shillings of their respective profits and gains, computed as in the said enactment is mentioned, and subject also to the provision therein contained for the exemption of persons whose incomes from every source shall be less than £100 a-year respectively.

(D.)

Specifying the Articles upon which Customs Duties are to cease by this Act.

The duties of customs chargeable upon the goods, wares, and merchandise next herein-after mentioned, imported into

Great Britain and Ireland, shall cease and determine on and after the first day of October, one thousand eight hundred and sixty-one; (that is to say,)

Paper; viz.

Brown paper, made of old rope or cordage only, without separating or extracting the pitch or tar therefrom, and without any mixture of other materials therewith.

Printed, painted, or stained paper hangings or flock paper. For printing or writing.

Gilt, stained, coloured, embossed, and all fancy kinds, not being paper hangings, or paper fit for printing or writing.

Waste paper, or paper of any other sort not particularly enumerated or described, not otherwise charged with duty.

Millboards.

Pasteboard.

Books; viz.

being of editions printed in or since the year 1801, bound or unbound.

admitted under treaties of international copyright, or if of and from any British possession.

Prints and drawings; viz.

plain or coloured.

admitted under treaties of international copyright.

or, and at the option of the importer.

single.

bound.

GENERAL OBSERVATIONS ON THE ABOVE ACT.

There are only three clauses of this Act which will interest the general reader, and these are the 1st, the 3rd, and the 4th. Of these, the 1st and 3rd refer to the income-tax payable in the year ending the 5th April, 1862; and it deserves remark, that the present imposition is, to a certain extent, retrospective—for the last income-tax expired on the 4th April, in the year, while the present statute was not passed till the 12th June. For two months, therefore, there was no income-tax payable; but this fact will not avail the tax-paying public, as they are to be charged for a year *commencing* 6th April, 1861, and by the 16 & 17 Vict. c. 34, are directed to calculate their profits on an average of the three preceding years.

The 4th clause is that by which the much-discussed "paper duty" is taken off, and it will be remarked that it not only causes to cease the excise duty now payable on that article, but also the customs duty hitherto payable not only on paper of various descriptions, but also in respect of *books* and *prints* and *drawings* imported into the United Kingdom.

CAP. XXI.

An Act for granting to Her Majesty certain Duties of Excise and Stamps. [28th June, 1861.]

Most Gracious Sovereign:

WE, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto your Majesty the several rates and duties hereinbefore-mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and it is enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Grant of duties specified in the schedules annexed.*—There shall be charged, collected, and paid for the use of her Majesty, her heirs and successors, the several duties of excise, and stamps specified and contained in the schedules marked respectively (A.) and (B.) to this Act annexed, which said duties shall commence and take effect at or from the respective times specified or mentioned in that behalf in the said schedules; and where with regard to any of such duties no time is so specified for the commencement thereof, the same shall commence and take effect from and after the passing of this Act: provided, that the last-mentioned duties imposed on any of the several instruments, matters, and things des-

cribed in the said Schedule (B.) shall be chargeable in respect of such of them only as shall be dated, or, if there be no date, made or signed at any time after the day of the passing of this Act.

2. *Power to licensed dealers in spirits taking out an additional licence to retail and send out foreign or British spirits in less quantities than two gallons.* Any person duly licensed as a dealer in spirits in England may take out an additional licence authorising him to sell by retail foreign or British spirits in any quantity not less than one reputed quart bottle, or, as to foreign liqueurs, in the bottles in which the same may have been imported, not to be drunk or consumed upon the premises; and any licensed dealer taking out such additional licence may send out or deliver any such spirits without the certificate required by law in such cases, if the quantity does not exceed one gallon at a time, and such spirits are not sent to the stock of any dealer or retailer: provided always, that nothing herein contained shall extend or repeal, alter, or affect section one hundred and sixty-nine of the Act of the last session of Parliament, chapter one hundred and fourteen: (a) provided further, that, notwithstanding any provision herein-after contained, all penalties to be incurred or recoverable under this section, or in relation thereto, may be sued for by any superintendent or inspector of police, upon information and summons before the police court or justice having jurisdiction in the place where the offence is committed, but the appropriation of the penalty shall be the same as is herein-after specified.

(a) 23 & 24 Vict. c. 114, s. 169, enables a licensed dealer to take out an additional licence authorising him to sell by retail any quantity of foreign liqueurs under the same restrictions with regard to quantity, &c., as in the present Act with regard to foreign or British spirits, and to send out foreign liqueurs to the extent of one gallon without a certificate for removal of spirits.

3. *Licences may be granted for the sale of table beer by retail not to be drunk on the premises, without persons being rated, or producing certificate.* It shall be lawful for any person to take out a licence for the sale in any house or shop of table beer, at a price not exceeding the rate of one penny halfpenny the quart, and not to be drunk or consumed on the premises where sold; and it shall not be necessary to the obtaining of such licence that the said house or shop shall be rated to the relief of the poor to any amount, or that the person applying for such licence shall produce any certificate, or enter into any bond required by any Act relating to the sale of beer by retail. (b)

(b) This provision is in extension of the system introduced last year with regard to the sale of wine in shops, &c. (23 Vict. c. 27.) The certificates and bond referred to at the close are required by the "Beer Acts." See 11 Geo. 4, and 1 Will. 4, c. 64; 4 & 5 Will. 4, c. 85; and 3 & 4 Vict. c. 61; and see also 11 & 12 Vict. c. 49, s. 2.

4. *Provisions of former Acts to apply to this Act.* All the powers, provisions, clauses, regulations, allowances and exemptions, forfeitures, pains, and penalties contained in or imposed by any Act or Acts, or any schedule thereto, relating to any duties of the same kind or description as the several rates or duties granted by this Act respectively, and in force at the time of the passing of this Act, shall respectively be of full force and effect with respect to the said duties by this Act granted respectively, so far as the same are or shall be applicable, in all cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned duties respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express provisions of this Act, as fully and effectually to all intents and purposes as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the duties by this Act granted respectively.

5. *Expiration of licences granted under this Act, to hawkers, pedlars, &c.* All licences to hawkers, pedlars, and petty chapmen under this Act, where the same shall be respectively granted for any period exceeding six months, shall continue in force until and upon the thirty-first day of July next following the date thereof, and no longer; and where they shall be

granted for any period not exceeding six months they shall continue in force until and upon the thirty-first day of January or the thirty-first day of July, as the case may be, next following the date thereof, and no longer.

6. *A licence may be granted to a hawker on a certificate of a justice or an officer of police.* Any licence to a hawker, pedlar, and petty chapman under this Act may be granted by any authorised officer of inland revenue upon the person applying for it producing either such certificate as is now by law required before receiving a hawker's licence, or a certificate under the hand of a justice of the peace for the county or place, or any superintendent or inspector of police of or for the district in which the officer shall reside, that the applicant for such licence under this Act is a proper person to be so licenced.

7. *Not to affect the licences to hawkers &c. trading otherwise than as herein-mentioned, nor the provisions of the Act in force.* Provided always, that nothing herein contained shall in any way affect the licences by law required to be taken out by hawkers, pedlars, and petty chapmen travelling or trading in any other manner than as in the schedule to this Act is mentioned, or the duties thereon, nor, save as herein is expressly enacted, any of the powers, provisions, clauses, regulations, directions, fines, forfeitures, pains, and penalties contained in any Act of Parliament in force relating to hawkers, pedlars, and petty chapmen, or to stamp duties.

8. *Licensed hawkers, &c. may carry and sell tea and coffee under an excise licence.* And whereas persons licensed under the laws of excise to sell tea and coffee are restricted in the sale thereof to premises of which entry is required to be made with the officers of excise; and it is expedient to allow such licensed persons who shall also be duly licensed under the Acts in force relating to hawkers, pedlars, and petty chapmen in Great Britain to carry and expose for sale and sell tea or coffee in the course of their trading as such licensed hawkers, pedlars, and petty chapmen: be it enacted, that no person who shall be duly licensed under the laws of excise to sell tea or coffee, and also duly licensed as a hawker, pedlar, and petty chapman, shall be subject to any penalty or forfeiture for selling tea or coffee elsewhere than on such entered premises as aforesaid, by reason or on account of his selling tea or coffee in the regular course of his trading as such hawker, pedlar, or petty chapman, duly licensed as aforesaid, anything in any Act relating to the excise to the contrary notwithstanding. (c)

(c) See 50 Geo. 3, c. 41, s. 7.

9. *Persons seeking orders for goods at other men's houses to be deemed hawkers.* Persons going from town to town or to other men's houses carrying to sell or exposing to sale any goods, wares, or merchandise, or carrying and exposing samples or patterns of any goods, wares, or merchandise to be afterwards delivered, shall be deemed to be and shall be trading persons (d) within the meaning of this Act, and of the Acts now in force relating to hawkers, pedlars, and petty chapmen, and shall be subject and liable to all the duties, provisions, regulations, pains, and penalties in and by the said Acts imposed or contained, as if the same were herein repeated and re-enacted with reference to the persons and matters and things aforesaid: provided that nothing herein contained shall extend to subjects commercial travellers or other persons to the duties and provisions of the said Acts by reason merely of their selling or seeking orders for goods, wares, or merchandise to or from persons who are dealers therein, and who buy to sell again, nor to persons licensed by the excise to deal in spirits, wine, or beer, or to the agents of such last-mentioned persons, nor to persons who are the real workers or makers of any goods or wares, or the servants of such persons seeking orders for any of such goods or wares.

(d) See ib. ss. 17, 20.

10. *Who shall be deemed house agents, and required to be licensed as such.* Every person who, as an agent for any other person, shall, for or in expectation of fee, gain, or reward of any kind, advertise for sale or for letting any furnished house or part of any furnished house, or who shall by any public notice or advertisement, or by any inscription in or upon any house, shop, or place used or occupied by him, or by any other ways or means, hold himself out to the public as an agent for selling or letting furnished houses, and who shall let or sell, or agree to let or sell, or make or offer or receive any proposal, or in any way negotiate for the selling or letting of any furnished

house or part of any furnished house, shall be deemed to be a person using and exercising the business, occupation, and calling of a house agent within the meaning of this Act and the Schedule (B.) hereto, and shall be licensed accordingly: provided that no person shall be deemed to be such house agent by reason of his letting, or agreeing or offering to let, or in any way negotiating for the letting, of any house not exceeding the annual rent or value of twenty-five pounds: provided also, that any story or flat rated and let as a separate tenement shall be considered to be a house for the purposes of this enactment.

11. *By whom licences to house agents shall be granted, and the date and continuance thereof.*] The commissioners of inland revenue, and any person authorised by them, shall, after the fifth day of July one thousand eight hundred and sixty-one, grant licence to any person who shall apply for the same to use and exercise the business, occupation, and calling of a house agent, which licence shall also authorize the person to whom it is granted to use and exercise the calling or occupation of an appraiser; and any such licence issued between the fifth day of July and the fifth day of August in any year shall be dated on the sixth day of July, and any such licence issued at any other time shall bear the date of the day on which the same shall be issued, and every such licence shall continue in force from the day of the date thereof until and upon the fifth day of July then next following and no longer.

12. *Penalty on house agents acting without a licence.*] Every person who shall use or exercise the business, occupation, or calling of a house agent, without having a licence in force under this Act so to do, shall forfeit the sum of twenty pounds.

13. *Exceptions.*] Provided always, that this Act shall not extend to require any agent employed in the management of landed estates, or any attorney solicitor, proctor, writer to the signet, agent or procurator admitted in any court of law, or any conveyancer, who shall as such have taken out his annual certificate, or any auctioneer or appraiser, having in force a licence as such, to take out a licence under this Act as a house agent.

14. *The stamp on the lease of a furnished house may be adhesive; the same to be cancelled.*] The stamp duty on a lease or tack of a furnished dwelling-house for a term or period of time less than a year, or on an agreement, or a minute or memorandum of an agreement, containing the terms and conditions on which any such house is let, held, or occupied for any such term or period of time, whatever may be the amount of rent reserved or payable, and any counterpart or duplicate thereof, may be denoted by an adhesive stamp affixed thereto, to be provided by the commissioners of inland revenue for that purpose; and where any such adhesive stamp shall be used, every party to the instrument who shall sign the same shall also at the time of signing it write upon or across the stamp his name, and there shall, before or at the time of so signing the instrument by the party who shall first sign the same, be written upon the stamp the date of the instrument, so that the stamp may be appropriated to the instrument and effectually cancelled and rendered incapable of being used for any other instrument, and in default thereof the stamp shall be of no avail, and proof of the said writing upon or across the stamp as aforesaid shall be a necessary part of the evidence of the signing or making of the instrument in any case where such instrument is not stamped with an impressed stamp: provided always, that where the persons who as parties shall sign any such instrument shall exceed two, it shall be sufficient if one person only on each part shall write his name on the stamp.

15. *Penalty for signing any such agreement not stamped.*] If any lease or tack, or agreement, minute or memorandum of agreement, herein-before described, or any duplicate or counterpart thereof, shall not be written on paper or parchment duly stamped for the same, and shall not at the time of signing the same as aforesaid have affixed thereto the proper adhesive stamp, or such stamp, if affixed, shall not be cancelled in manner herein-before mentioned, every person who shall sign the said instrument, if there shall be no stamp thereon or affixed thereto, and every person who shall make default in signing his name across the adhesive stamp, if one shall be affixed thereto, and also, in either of the cases aforesaid, the agent or person who shall prepare or be employed in preparing such instrument, shall forfeit five pounds, which shall be in addition to any penalty by law payable on stamping the same: provided always, that nothing herein contained shall be construed to render any person liable to any penalty for or on

account of any letters or correspondence by post containing the terms or conditions offered or accepted for the taking or letting of any furnished house.

By this section it is for the first time made compulsory to stamp a lease or tack of a furnished house for a period less than a year, or an agreement or minute, or memorandum thereof. Prior to this Act it was a very frequent practice to put off doing so until some litigation arose or was anticipated in reference to an agreement, &c., which had been reduced to writing.

SCHEDULES.

(A.)

Containing the Duties of Excise granted by this Act.

RETAIL LICENCE TO DEALERS IN SPIRITS.

£ s. d.

For and upon every additional excise licence to be taken out by any licensed dealer in spirits in Great Britain to authorize and empower him to sell by retail foreign or British spirits in any quantity not less than one reputed quart bottle, or as to foreign liqueurs in the bottles in which the same may have been imported, and not to be drunk or consumed on the premises, the sum of 3 3 0

LICENCE TO SELL TABLE BEER.

For and upon every excise licence to be taken out by any person for the sale in any house or shop of table beer at a price not exceeding the rate of one penny halfpenny the quart, and not to be drunk or consumed on the premises where sold 0 5 0

(B.)

Containing the Stamp Duties imposed by this Act.

Bill of exchange (Foreign) for the payment of money exceeding £500 drawn out of the United Kingdom, and payable or endorsed or negotiated within the United Kingdom.

For every £100 and part of £100 of the money thereby made payable 0 1 0

Lease or tack of any furnished dwelling house for any term or period of time less than a year, or any agreement, minute or memorandum of agreement, containing the term and conditions on which any such house is let, occupied, or held for any such term or period of time, where the rent for such term or period of time shall exceed £25 0 2 6

And where the same, together with any schedule, receipt, or other matter put or endorsed thereon or annexed thereto, shall contain 2,160 words or upwards, then for every entire quantity of 1,080 words therein contained over and above the first 1,080 words, the further progressive duty of 0 2 6

And for any duplicate or counterpart thereof 0 2 6

The same Duty or Duties.

Licence to be taken out by any hawker, pedlar, or petty chapman in Great Britain, who shall travel and trade on foot, without any horse or other beast bearing or drawing burden, and who shall carry his goods, wares, or merchandise to and sell or expose for sale the same at other men's houses only, and not in or at any house, shop, room, booth, stall, or other place whatever belonging to or hired or occupied or used by him for selling or exposing the same for sale in any town to which he may travel.

Where such licence shall be granted for any period not exceeding six months ... 1 0 0

And where the same shall be granted for any period exceeding six months and not exceeding a year 2 0 0

Licence to be taken out by any such trading person in Great Britain who shall travel with one beast of burden only, that is to say, an ass or a mule, or a horse not exceeding in height thirteen hands, of four inches to each hand.

	£ s. d.
Where such license shall be granted for any period not exceeding six months	2 0 0
And where the same shall be granted for any period exceeding six months and not exceeding a year	4 0 0
The several stamp duties herein-before contained in this schedule to be in lieu of the stamp duties now payable upon the like matters under any other Act now in force. (a)	
Licence to be taken out yearly after the 5th day of July, one thousand eight hundred and sixty-one, by every person who shall use or exercise the business, occupation, or calling of a house agent.....	2 0 0

(a) Under 50 Geo. 3. c. 41 (see sect. 6), the duty payable in respect of a hawker's licence, was £4 a year, with an additional duty of the same amount in respect of every beast burthen with which he travelled; and none were granted in respect of any period less than a year.

CAP. XXII.

An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the Town and Parish of Bursford in the county of Oxford.

[28th June, 1861.]

CAP. XXIII.

An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the Borough of Reading.

[28th June, 1861.]

CAP. XXIV.

An Act for confirming a Scheme of the Charity Commissioners for the Hospital of Lady Katherine Leveson at Temple Balsall in the County of Warwick.

[28th June, 1861.]

XXV.

An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India.

[28th June, 1861.]

WHEREAS the exigencies of the public service in India require that the Secretary of State in Council of India should be enabled to raise money in the United Kingdom on the credit of the revenues of India: be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Power to the Secretary of State in Council of India to raise any sum not exceeding four millions.*] It shall be lawful for the Secretary of State in Council of India, at any time or times before the thirtieth day of April one thousand eight hundred and sixty-two, or, if Parliament be then sitting, before the end of the then session of Parliament, to raise in the United Kingdom, for the service of the Government of India any sum or sums of money not exceeding in the whole four millions, and such sum or sums may be raised by the creation and issue of bonds or debentures, or capital stock bearing interest, or annuities, or partly by one of such modes and partly by another or others.

2. *Bonds may be issued under hands of members of council, countersigned by secretary or under secretary.*] All bonds issued under the authority of this Act may be issued under the hands of two members of the Council of India, and countersigned by the Secretary for India or one of his under secretaries or his assistant under secretary, and shall be for such respective amounts, payable after such notice, and at such rate or rates of interest as the said Secretary of State in Council may think fit.

3. *Debentures may be issued.*] All debentures issued under the authority of this Act may be issued under the hands of two members of the council, and countersigned as aforesaid, for such respective amounts, and at such rate or rates of interest as the Secretary of State in Council may think fit, and shall be issued at or for such prices and on such terms as may be determined by the Secretary of State in Council.

4. *As to payment of principal and interest on debentures.*] All debentures issued under the authority of this Act shall be paid off at par at a time or times to be mentioned in such debentures respectively, and the interest on all such debentures shall be paid half-yearly on such days as shall be mentioned therein; and the principal monies and interest secured by such debentures shall be payable either at the Treasury of the Secretary of State in Council in London or at the Bank of England.

5. *Debentures transferable by delivery or deed;—Coupons by delivery.*] All or any number of the debentures issued under the authority of this Act, and all right to and in respect of the principal and interest monies secured thereby, shall be transferable either by the delivery of such debentures respectively or, at the discretion of the Secretary of State in Council, by deed; provided that the coupons for interest annexed to any debenture issued under the authority of this Act shall pass by delivery.

6. *Capital stock and annuities may be created and issued.*] Any capital stock created under the authority of this Act shall bear such a rate of interest, and any annuities may be created under the authority of this Act shall be at such rate per centum per annum, as the Secretary of State in Council may think fit; and such capital stock and such annuities may be issued on such terms as may be determined by the Secretary of State in Council; and any such capital stock may bear interest during such period, and be paid off at par at such time, as the Secretary of State in Council may prescribe previously to the issue of such capital stock; and such annuities may be terminable at such period as the Secretary of State in Council may prescribe previously to the issue of such annuities.

7. *Transfer books of such capital stock and annuities to be kept.*] In case of the creation and issue of any such capital stock or of any such annuities, there shall be kept, either at the office of the Secretary of State in Council in London or at the Bank of England, books wherein entries shall be made of the said capital stock and annuities respectively, and wherein all assignments or transfers of the same respectively, or any part thereof respectively, shall be entered and registered, and shall be signed by the parties making such assignments or transfers, or, if such parties be absent, by his, her, or their attorney or attorneys thereunto lawfully authorised by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and the person or persons to whom such transfer or transfers shall be made may respectively underwrite his, her, or their acceptance thereof; and no other mode of assigning or transferring the said capital stock or the said annuities, or any part thereof respectively, or any interest therein respectively shall be good and available in law, and no stamp duties whatsoever shall be charged on the said transfers or any of them.

8. *Annuities personal estate.*] All annuities created and issued under the authority of this Act shall be deemed and taken to be personal and not real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, interested therein, or entitled thereto, and not to the heir-at-law, nor be liable to any foreign attachment by the custom of London, or otherwise. (a)

(a) This provision has reference to a doctrine which distinguishes an annuity from a *rent*; which latter is an incorporeal hereditament and belongs to the class of things real. An annuity, on the other hand, not charged on any particular lands, although personally, has been held to be capable of being limited so as to descend to the grantee's *heirs* (see Co. Litt. 2a) to obviate which anomaly so far as regards the East Indian Loan is the chief object of the present section.

9. *The whole amount charged on revenue of India not to exceed four millions.*] The whole amount of the principal monies to be charged on the revenues of India under this Act shall not exceed four millions; and no money shall be raised or secured under the authority of this Act after the said thirtieth day of April one thousand eight hundred and sixty-two, or, if Parliament be then sitting, after the end of the then session of Parliament, save for or upon the repayment of principal monies previously secured under this Act as herein-after provided.

10. *Power to raise money for payment of principal of money.*] Upon or for the repayment of any principal money secured under the authority of this Act, the Secretary of State in

Council may at any time borrow or raise, by all or any of the modes aforesaid, all or any part of the amount of principal money repaid or to be repaid, and so from time to time as all or any part of any principal money under this Act may require to be repaid, but the amount to be charged upon the revenues of India shall not in any case exceed the principal money required to be repaid.

11. *Securities, &c. to be charged on revenues of India.* All bonds and debentures to be issued under this Act, and the principal monies and interest thereby secured, and all capital stock to be issued under this Act, and the interest thereon, and all annuities to be issued under this Act, shall be charged on and payable out of the revenues of India, in like manner as other liabilities incurred on account of the Government of the said territories.

12. *Provisions as to composition for stamp duties on India bonds extended to the bonds and debentures under this Act.* The provisions contained in section four of the Act of the session holden in the fifth and sixth years of King William the Fourth, chapter sixty-four, with respect to the composition and agreement for the payment by the East India Company of an annual sum in lieu of stamp duties on their bonds, and exemption of their bonds from stamp duties, shall be applicable with respect to the bonds and debentures to be issued under the authority of this Act, as if such provisions were here repeated and re-enacted with reference thereto.

13. *Forgery of debentures to be punishable as forgery of East India Bonds.* All provisions now in force in anywise relating to the offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any East India Bond, with intent to defraud, shall extend and be applicable to and in respect of any debenture issued under the authority of this Act, as well as to and in respect of any bond issued under the same authority. (b)

(b) See 11 Geo. 4 & 1 Will. 4 c. 66 s. 3. It is to be remarked, however, that this Act is one of those wholly repealed by the repeal Act of the present session and issued after the date of the present statute.

14. *Returns to be annually prepared of monies raised on loan &c. and presented to parliament.* Provided always, that on or before the first day of February in each year the said Secretary of State in Council shall prepare or cause to be prepared a return of all monies raised on loan under the provision of this Act; also a return of all stocks, loans, debts, and liabilities then chargeable on the revenues of India, at home and abroad, up to the latest period of time to which such return can be made out; that all such returns shall be presented to both Houses of Parliament on or before the first day February in each year, [if Parliament is then sitting, and if Parliament is not sitting, then such returns shall be presented within ten days of the first meeting of Parliament after the first day of February in each year.

15. *Saving powers of Secretary of State in Council.* This Act shall not prejudice or affect any power of raising or borrowing money vested in the said Secretary of State in Council at the time of passing thereof.

CAP. XXVI.

An Act to amend the Dublin Improvement Act, 1849.
[28th June, 1861.]

CAP. XXVII.

An Act to declare the Limits within which increased Assessments are authorised to be raised in the City of Edinburgh, under the Provisions of the Act of the Twenty-third and Twenty-fourth Years of Victoria, Chapter Fifty.
[28th June, 1861.]

CAP. XXVIII.

An Act to relieve certain Trusts on the Holyhead Road from Debts.
[11th July, 1861.]

CAP. XXIX.

An Act to authorise the Removal of the Infirmary for the County of Cork from the Town of Mallow to the City of Cork.
[11th July, 1861.]

CAP. XXX.

An Act to declare the Validity of an Act passed by the General Assembly of New Zealand, intituled An Act to provide for the Establishment of new Provinces in New Zealand.
[11th July, 1861.]

CAP. XXXI.

An Act for the Prevention and Punishment of Offences committed by her Majesty's Subjects within certain Territories adjacent to the Colony of Sierra Leone.
[11th July, 1861.]

CAP. XXXII.

An Act for confirming a Scheme of the Charity Commissioners for "The Hospital of the Blessed Trinity" at Guildford, in the County of Surrey, and its subsidiary Endowments, with certain Alterations.
[11th July, 1861.]

CAP. XXXIII.

An Act to enable the Commissioners of Her Majesty's Works to acquire additional Land for the Purposes of the Public Offices Extension Act of 1859.
[11th July, 1861.]

CAP. XXXIV.

An Act to extend the Provisions of the Acts to facilitate the Improvement of Landed Property in Ireland, and to further provide for the Erection of Dwellings for the Labouring Poor in Ireland.
[11th July, 1861.]

CAP. XXXV.

An Act to increase the Facilities for the Transfer of Stocks and Annuities transferable at the Bank of Ireland, and to make further Provision respecting the mutual Transfer of Capital in certain Public Stocks or Funds transferable at the Banks of England and Ireland respectively, and for other Purposes.
[22nd July, 1861.]

CAP. XXXVI.

An Act to amend the Boundaries of Burghs Extension (Scotland) Act.
[22nd July, 1861.]

CAP. XXXVII.

An Act to simplify the Mode of raising the Assessment for the Poor in Scotland.
[22nd July, 1861.]

CAP. XXXVIII.

An Act to authorise the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners.
[22nd July, 1861.]

CAP. XXXIX.

An Act to confirm certain Provisional Orders under the Local Government Act (1858), relating to the Districts of Brighton, East Cowes, Preston, Morpeth, Bromsgrove, and Durham; and for other Purposes in relation thereto.
[22nd July, 1861.]

CAP. XL.

An Act to make further Provision for the Management of her Majesty's Forest of Dean, and of the Mines and Quarries therein and in the Hundred of Saint Briavels in the County of Gloucester.
[22nd July, 1861.]

CAP. XLI.

An Act to enable the Admiralty to acquire Property for the Enlargement of Her Majesty's Dockyard at Chatham, in the County of Kent, and to embank Part of the River Medway; and for other Purposes connected therewith.
[22nd July, 1861.]

CAP. XLII.

An Act to continue the Duties levied on Coal and Wine by the Corporation of London. [22nd July, 1861.]

CAP. XLIII.

An Act to facilitate the Remedies on Bills of Exchange and Promissory Notes in Ireland by the Prevention of frivolous or fictitious Defences to Actions thereon. [22nd July, 1861.]

CAP. XLIV.

An Act to remove Doubts respecting the Authority of the Legislature of Queensland, and to annex certain Territories to the Colony of South Australia, and for other Purposes. [22nd July, 1861.]

CAP. XLV.

An Act to facilitate the Formation, Management, and Maintenance of Piers and Harbours in Great Britain and Ireland. [1st August, 1861.]

WHEREAS it is expedient to encourage and facilitate the formation, management, and maintenance of piers and harbours in Great Britain and Ireland: and whereas in certain cases where it is now necessary to apply to Parliament for special local Acts the expense of obtaining such special Acts serves to prevent many necessary works being undertaken: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

1. *Short title.*] In citing this Act for any purpose whatsoever it shall be sufficient to use the words and figures "The General Pier and Harbour Act, 1861."

2. *Interpretation of terms.*] The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say,

The expression, "the Lords of the Admiralty," shall mean the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral:

The expression, "Board of Trade," shall mean the Lords of the Committee of her Majesty's Privy Council for Trade and Plantations:

The expression, "person or persons," shall include companies, corporations, commissioners, trustees, undertakers, conservators, or individuals:

The word "promoter" shall apply to and include any person or persons who shall make application for a provisional order under this Act:

The word "works" shall include any pier, harbour, quay, wharf, jetty, or excavation, whether complete or incomplete, on or near the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith:

The several words and expressions contained in the clauses of any Acts incorporated with this Act shall have the meanings assigned to them by such Act or Acts, except in cases in which other meanings are expressly assigned to them by this Act.

3. *Persons may apply to Board of Trade to grant provisional orders.*] Persons desirous of obtaining authority to construct any works under this Act, or to levy rates at any existing or at any new works, may make application by memorial to the Board of Trade to grant provisional orders as hereinafter mentioned: provided always, that this Act shall not apply in any case where the estimated expenditure upon any proposed works shall exceed the sum of one hundred thousand pounds.

4. *Subscribers to memorial to be promoters.*] The persons whose names shall be subscribed to such memorial shall be deemed to be the promoters; and it shall be lawful for the Board of Trade to require and take security from the promoters for the payment of all costs, charges, and expenses necessarily incurred by the said Board of Trade in relation to any such provisional order, and such costs shall be a debt due to her Majesty from the promoters, and be recoverable by action in any court of law of competent jurisdiction.

5. *Promoters to deposit copies of memorial and plans at the office of the Clerk of the Peace; notice of deposit to be given by advertisement.*] In case the promoters shall be desirous of executing any works under this Act, they shall in the months of October and November deposit copies of the memorial they may have submitted to the Board of Trade in relation thereto, and of the plans, sections, working drawings of the harbour and of any proposed works, at the office of the clerk of the peace of any county, riding, or division in England or Ireland, or in the office of the principal sheriff-clerk of any county, district, or division of any county in Scotland, in which the proposed works are to be executed, there to remain open for public inspection, and all persons shall at all reasonable hours of the day be at liberty to inspect and to make copies and extracts therefrom; and the deposit of such copies and advertisement of such deposit shall be certified in such manner as may be required by the Board of Trade; and notice of the deposit of a copy of such memorial, and of the plans, sections, and working drawings of the proposed works as aforesaid, shall be published once in each of two consecutive weeks in some newspaper circulated within the county wherein such works are proposed to be undertaken, and once in the London, Edinburgh, or Dublin Gazette.

6. *Promoters to deposit plans with the Admiralty.*] The promoters shall deposit at the Admiralty Office, Whitehall, a copy of such memorial, and plans and sections and working drawings of the harbour and proposed works connected therewith, and shall make application to the Admiralty to sanction such works, and thereupon the Admiralty, so soon as may be, shall give or withhold their sanction to the proposed works, or shall indicate what alterations, if any, shall be made in the proposed works.

7. *Application of 14 & 15 Vict. c. 49, to this Act.*] The Preliminary Inquiries Act, 1851, shall apply, *mutatis mutandis*, in respect of any application for such approval, as if the same were an application to Parliament for such a Bill as is in that Act mentioned.

8. *Power to Admiralty to remove works not approved by them.*] Notwithstanding anything in this Act contained, the proposed works shall only be undertaken and executed upon such conditions and according to such plans as shall be previously approved by the Lords of the Admiralty as aforesaid; and if any works shall at any time be commenced or completed contrary to the provisions of this Act, it shall be lawful for the Lords of the Admiralty to abate and remove the same, and to restore the site thereof to its former condition, at the cost and charge of any commissioners or other person or persons that may for the time being have the management of any such works, and the amount thereof shall be a debt due to the Crown, and be recoverable accordingly.

Levying of Rates.

9. *Regulations as to levying of rates upon application to Board of Trade.*] In case the promoters or any persons being the owners or proprietors of any works, or any persons having the management of or power to construct any such works under any Local Act of Parliament, or any town council of any seaport town not having any constituted harbour trust, shall be desirous of levying any rates for the maintenance of such works, or of altering the schedule of rate then leviable therewith, they shall prepare,

(1.) *Publication of schedule.*] A schedule of such rates which they may think reasonable and proper to be levied at such works, and shall publish such schedule once at the least in each of two consecutive weeks in the months of October and November in some newspaper circulated within the district or some part of the district in which such works are or may be proposed to be constructed:

(2.) *Deposit of schedule with clerks of the peace.*] And shall also deposit a printed copy of such schedule at the office of the clerk of the peace of any county, riding, or division, in England or Ireland, or in Scotland, in the office of the sheriff-clerk and clerk of the peace of the county where such works are or may be proposed to be constructed:

(3.) *Deposit of schedule with Board of Trade.*] And shall also transmit a copy of such schedule to the Board of Trade, and therewith a statement showing the state of any existing works, and the rates then leviable therewith, the average revenue derived at such works for the three years preceding the date of the first of such advertisements as aforesaid, and the probable or estimated amount of the rates proposed to be levied under such schedule at any

existing works, or at any new works proposed to be constructed; and also the estimated amount of money, if any, proposed to be expended upon any existing or upon any new works:

(4.) *Shipowners, traders, &c., &c., may forward objections to Board of Trade.* And it shall be competent to any shipowner or trader within the limits of such port, harbour, or place, or to any registered elector or landowner in the county in which such works may be situate, or in which it is proposed to construct any new works, to forward any objections to such schedule in writing to the Board of Trade within fourteen days after the last insertion of such schedule in any newspaper as aforesaid:

(5.) *Board of Trade to adjust schedule, and may empower promoters to levy rates.* The Board of Trade, after the said fourteen days shall have elapsed, and after the receipt of such schedule and statement, shall, as soon as conveniently may be, take the same into consideration, and make such inquiries and obtain such further information in reference to the several matters therein set forth, and to the objections, if any, that may have been forwarded as aforesaid, as they may deem expedient, and shall finally adjust and fix a schedule of rates not exceeding the rates specified in the schedule to "The Burgh Harbours (Scotland) Act, 1853," and thereupon the Board of Trade may by provisional order empower any of the persons in this section mentioned, or their assigns, to levy and recover rates according to such schedule, and to borrow money on the security of such rates, upon such terms and conditions and under such regulations as may be deemed expedient.

10. *Consent of commissioners of woods, &c., to be obtained.* No provisional order, except such as relate to the levying and recovery of rates only, shall be made under this Act without the consent in writing of the Commissioners for the time being of her Majesty's Woods, Forests, and Land Revenues being first had and obtained.

11. *Saving rights of the Crown.* Nothing in this Act contained shall extend to abrogate or prejudice any estate, right, title, interest, prerogative, royalty, jurisdiction, or authority of or appertaining to the Queen's most excellent Majesty, her heirs or successors, in right of her Crown, or of her Duchy or County Palatine of Lancaster.

12. *Saving rights of the Duchy of Cornwall.* Nothing contained in this Act, or in the Acts incorporated herewith, shall extend to take away, diminish, alter, prejudice, or affect any property, rights, profits, privileges, powers, or authorities for the time being vested in or enjoyed by her Majesty, her heirs or successors, in right of the Duchy of Cornwall, or in or by the Duke of Cornwall for the time being.

13. *Saving rights of conservators of the Rivers Thames and Mersey, &c.* Nothing in this Act contained shall extend or be applicable to the port of London, or to the River Thames within the limits defined by "The Thames Conservancy Act, 1857," nor to the port and harbour of Liverpool, or to the River Mersey, as defined by an Act passed in the fifth and sixth years of the reign of her present Majesty, intituled "An Act for better preserving the Navigation of the River Mersey," nor to the port and harbour of Glasgow and the limits of the River Clyde, as defined by "The Clyde Navigation Consolidation Act, 1858," nor to the port and haven of Sunderland and River Wear, within the limits defined by "The River Wear and Sunderland Dock Act, 1859," nor to the port of Kingston-upon-Hull, or the River Humber, within the limits defined by "The River Humber Conservancy Act, 1852," nor to the River Tyne or to the port and harbour of Newcastle-upon-Tyne, and the limits thereof, as defined by "The Tyne Improvement Act, 1850.

14. *Promoters not to do any act which shall prejudice any right acquired by Royal Charter, &c.* The promoters shall not, by any provisional order under this Act, or by any Act of Parliament confirming such order, be authorised to do any act, matter, or thing which shall prejudice or affect any right, privilege, power, jurisdiction, or authority acquired by or given or reserved to any person or persons by Royal Charter, by prescription, or by any local or personal or private Acts, for the purpose of executing any works such as are contemplated by this Act, or for the management and conservancy thereof, or for protecting the navigation of any tidal waters or navigable river, or for making any river navigable, or otherwise improving, maintaining, or continuing the navigable passage thereof, or any works connected therewith, or which shall or shall tend to prejudice or injuriously affect the access to or passage from any

quay, pier, harbour, basin, dock, or inland navigation, or the channels or passages thereof, or leading thereto or therefrom, or the use or enjoyment of any quay, pier, harbour, basin, dock, or inland navigation, without the consent in every case of such person or persons, and such consent shall be expressed in writing, in the case of a corporation under their common seal, and in the case of a company, undertakers, commissioners, conservators, trustees, or individuals, under the hand of their clerk or other duly authorised officer or agent.

15. *Board of Trade may grant provisional orders, subject to provisions herein named.* After such inquiries as the board of trade may think expedient, and after the consent of the Admiralty, and of the Commissioners of her Majesty's Woods, Forests, and Land Revenues, and, if required, of the persons mentioned in the last preceding section, shall have been obtained, and the same shall have been certified to the Board of Trade in such manner as they may require, the Board of Trade may settle and make a provisional order; and every such order shall be made and shall take effect subject and according to the following provisions:

It shall specify who are to be the undertakers of the works, and may provide (where requisite) for the election or appointment of commissioners as undertakers of the works, and may (where requisite) incorporate the undertakers into a body corporate, with an appropriate name, perpetual succession, and a common seal:

It may empower the undertakers to make and alter byelaws for the management of such works, subject in England and Ireland to the approval of the court of quarter sessions of the peace for the county in which the works are situated, and in Scotland to the approval of the sheriff or sheriff substitute of such county:

It may empower the undertakers to take land on lease or otherwise, to an extent limited by the order, by agreement:

It may empower the undertakers to levy and to recover rates at such works, and may provide for the application of the monies accruing from the rates to be levied, and (where requisite) may provide for the due audit of the accounts of receipt and expenditure at such works:

It may empower the undertakers for the purposes of such works to borrow on mortgage or bond, at a maximum rate of interest to be therein specified, upon security of the rates, to an extent limited by the order, with provisions for payment of interest and repayment of principal:

It may incorporate by reference "The Commissioners Clauses Act (1847)," "The Companies Clauses Act (1845)," "The Companies Clauses (Scotland) Act (1845)," "The Harbour, Docks, and Piers Clauses Act (1847)," "The Lands Clauses Consolidation Act (1845)," "The Lands Clauses Consolidation (Scotland) Act (1845)," or any part of such Acts, except so much of the said two last-mentioned Acts as relates to the purchase of land otherwise than by agreement; the expression the "Special Act" used in such incorporated Acts shall be deemed to apply to such provisional order.

16. *Order to be deposited with clerk of the peace. Notice of deposit by advertisement. Board of Trade to obtain confirmation of provisional order by Parliament.* After the making of any order under this Act, the promoters shall deposit a copy of the same at the office of the clerk of the peace of any county, riding, or division in England or Ireland, or in the office of the principal sheriff clerk of any county, district, or division in Scotland, in which the proposed works referred to in such order may be situate; and notice of such deposit shall be given by advertisement once in the London, Edinburgh, or Dublin Gazette; and in some newspaper circulated in the county aforesaid; and after it shall have been certified to the Board of Trade by the promoters that such deposit and advertisement as last aforesaid have been made, and that fourteen days have elapsed from the date of such advertisement, the Board of Trade shall, within three calendar months from the beginning of the session of Parliament in any year, cause a bill to be introduced into either House of Parliament for the purpose of obtaining an Act for the confirmation of such order, and the order to be confirmed shall be specified in a schedule to the Bill introduced for confirming the same, and shall be set out at length therein, and until such confirmation no provisional order shall be of any validity or force whatever; and every Act of Parliament confirming such order shall be deemed a Public General Act.

17. *Where petition presented against an order, Bill confirming same may be referred to select committee.* In case any petition shall be presented to either House of Parliament against

any provisional order framed in pursuance of this Act, in the progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the order so petitioned against, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

18. *Orders, &c., to be signed by one of the secretaries, &c., of Board of Trade, or by Secretary of the Admiralty.]* All orders, notices, consents, approvals, and other Acts of the Board of Trade or of the Lords of the Admiralty in execution of this Act shall be in writing or in print, or partly in writing and partly in print, and shall be signed by one of the secretaries or assistant secretaries of the Board of Trade, or by the secretary of the admiralty for the time being, as the case may be.

19. *Board of Trade to report to Parliament.]* The Board of Trade shall make and lay before both Houses of Parliament in the month of February in each year, if Parliament be then sitting, or if Parliament be not then sitting, then within one week after the next meeting thereof, a general report of their proceedings under this Act, stating the several cases in which applications have been made to them under the provisions of this Act, and the Board of Trade may from time to time make and lay before Parliament such special reports in relation to all or any of the matters aforesaid as they may think fit.

20. *Power to Secretary of State for War to take and hold land, &c., for batteries, &c.]* It shall be lawful for the promoters of any harbour constructed under the provisions of this or any other Act, whether local or otherwise, to make, and for her Majesty's principal Secretary of State for the War Department to accept, a grant either in fee or for a term of years not less than nine hundred and ninety-nine years of any lands, tenements, and hereditaments proper for sites for batteries or fortifications, not exceeding in quantity in any one place what may be sufficient for building and erecting thereon a battery or fortification for the protection of such harbour, and for making a proper or sufficient access or approach thereto, and to enter into any covenant or stipulation with the said principal Secretary of State and his successors not to build or do any Act prejudicial to the said batteries or fortifications on the land adjacent to the sites so granted as aforesaid, within the line of fire from such batteries or fortifications to be erected thereon, and which sites, when conveyed as aforesaid, shall be held by the said principal secretary and his successors on behalf of her Majesty.

CAP. XLVI.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of her present Majesty, to facilitate Arrangements for the relief of Turnpike Trusts, and to extend the Provisions of the said Act.

[1st August, 1861.]

CAP. XLVII.

An Act to facilitate the Construction and Improvement of Harbours by authorizing Loans to Harbour Authorities; to abolish Passing Tolls; and for other Purposes.

[1st August, 1861.]

WHEREAS it is expedient that provision should be made for the construction and improvement of harbours by authorizing loans from the public funds to harbour authorities, and that provision should also be made for the abolition of passing tolls, of tolls levied on shipping for the purpose of charities, of differential dues on foreign shipping, and of compensation payable in respect thereof out of the public monies; and for making arrangements for the preservation of the rights of creditors and for other purposes: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. *Short Title.]* This Act may be cited for all purposes as "The Harbours and Passing Tolls, &c., Act, 1861."

2. *Interpretation of terms.]* In the construction of this Act the following expressions shall have the meanings hereby assigned to them, unless such meanings are inconsistent with the context; that is to say,

"*Board of Trade*." The expression "Board of Trade" shall mean the Committee of Privy Council appointed for the Consideration of matters relating to Trade and Foreign Plantations:

"*Harbour*." The word "harbour" shall include harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works in or at which ships can obtain shelter, or ship and unship goods or passengers:

"*Harbour authority*." "Harbour authority" shall include all persons, or bodies of persons, corporate or unincorporate, being proprietors of or intrusted with the duty of constructing, improving, managing, maintaining, or lighting any harbour:

"*Limited estate*." The expression "limited estate," shall mean the estate of any person entitled under any settlement at law or in equity for his own benefit to the possession or receipt of the rents and profits of land of any tenure for the term of his own life or of the life of any other person, whether such land is or is not subject to incumbrances:

"*Settlement*." The word "settlement" shall include any Act of Parliament, will, deed, or other assurance whereby particular estates or particular interests in land are created with remainders or interests expectant thereon, and any deed of entail; and every estate and interest created by appointment made in the exercise of any power contained in any settlement or derived from any settlement shall be considered as having been created by the same settlement; and an estate or interest, by way of resulting use or trust to or for the settlor, or his heirs, executors, or administrators, shall be deemed to be an estate or interest under the same settlement:

"*Pilotage authority*." "Pilotage authority" shall include all bodies and persons authorized to appoint or license pilots, or to fix or alter rates of pilotage, or to exercise any jurisdiction in respect of pilotage:

"*Shipping purposes*." The expression "shipping purposes" shall include the constructing or doing any work or thing that conduces to the safety or convenience of ships, or that facilitates the shipping or unshipping of goods, and the management and superintending the same, and shall also include the maintenance of any lifeboat or other means of preserving life in case of shipwreck:

"*Differential dues*." The expression "differential dues" shall include any dues, rates, or taxes levied on foreign ships, or on goods carried in foreign ships, which are not levied under like circumstances on British ships, or on goods carried in British ships; and shall also include any excess of dues, rates, or taxes levied on foreign ships, or on goods carried in foreign ships, over the dues or taxes levied under like circumstances on British ships or on goods carried in British ships; excepting always such duties as the Commissioners of Customs may be empowered to levy for the use of her Majesty under any Act of Parliament in the events therein-mentioned.

PART I.—LOANS TO HARBOURS.

3. *Advances of money to harbour authorities.]* The Public Works Loan Commissioners, as defined by the Act of the nineteenth year of the reign of her present Majesty, chapter seventeen, may, out of the funds for the time being at their disposal or provided by Parliament for the purpose, advance to any harbour authority, for the purpose of constructing, improving, maintaining, or lighting any public harbour, or for carrying into effect any other shipping purpose, such sum or sums of money as may be required, subject to the following regulations:

(1.) No harbour authority shall borrow any money from the said commissioners under this Act without the approval of the Board of Trade, in writing, signed by one of their secretaries or assistant secretaries:

(2.) When the aggregate amount of principal monies due to the said commissioners from any one harbour authority in pursuance of this Act does not exceed one hundred thousand pounds, the interest payable in respect thereof shall be at the rate of three pounds five shillings per annum on each hundred pounds; but when such aggregate amount exceeds one hundred thousand pounds, the interest payable in respect of one hundred thousand pounds shall be at the rate aforesaid, and the interest payable in respect of the excess shall be at such higher rate as the said commissioners may determine, not exceeding five pounds per annum on each hundred pounds:

(3.) The period for repayment of any sums advanced shall not exceed fifty years:

(4.) The repayment of any advances and of the interest thereon shall be secured upon all or any of the rates

leviable by the harbour authority to whom such advances are made either alone, or together with such other property or income as may be agreed on, and it shall not be incumbent on the Public Works Loan Commissioners to require any other security :

(5.) Any harbour authority which has for the time being power to levy rates and tolls immediately or prospectively, or is or may be entitled to any other income or property applicable to shipping purposes, shall have power to borrow money from the said commissioners under this Act on the security of the said rates, tolls, income, and property, or any part thereof, and to charge the same accordingly :

(6.) For the purposes of loans made to any public harbour authority under this Act the clauses of "The Commissioners' Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, except so far as the same may be inconsistent with the clauses and provisions of the said Public Works Loan Act and the Acts therein mentioned, shall be incorporated with this Act; and in the construction of this Act, and of the said incorporated clauses, this Act shall be deemed to be the special Act, and the harbour authority to which an advance is made shall be deemed to be the commissioners :

(7.) No harbour authority, being the proprietor of any private harbour, shall borrow any money from the said commissioners under this Act unless such regulations are made in respect of the rates to be taken in such harbour, and the user thereof by the public, as the Board of Trade may approve; and for the purpose of making and enforcing such regulations, it shall be lawful for her Majesty, by order in council, to declare that "The Harbours, Docks, and Piers Clauses Act, 1847," shall apply to such harbour, and to fix a schedule of rates not exceeding the rates specified in the schedule to "The Burgh Harbours (Scotland) Act, 1853," to be taken in the said harbour; and thereupon the said Harbours Clauses Act, with the exception of such clauses as may be excepted in the said order, shall apply to the said harbour in the same manner as if it had been declared to apply thereto by Act of Parliament; and in the construction of this Act and of the said incorporated Act this Act shall be deemed to be the special Act; and the expression "the undertaker" shall be deemed to mean the proprietor of the said harbour, and the "rates" shall be deemed to be such rates as may be sanctioned by the said order in council :

(8.) Where any harbour authority, being the proprietor of any harbour, is entitled to a "limited estate" therein, he shall have power to make the repayment of any monies borrowed by him under this Act, with the interest, a charge on his limited estate in the said harbour, and on the estate and interest of every person taking under the same settlement any estate or interest in such harbour in defeasance or expectancy or by destination on the determination of the said limited estate, but it shall be subject to all incumbrances on the harbour subsisting at the time of the charge :

(9.) No advance or part of any advance shall be made in pursuance of this Act to any person entitled to a limited estate so as to charge the estate or interest of any person taking in defeasance or expectancy or by destination, except to an amount to be specified in certificates to be from time to time issued under the hand of one of the secretaries or assistant secretaries of the Board of Trade; and no such certificate shall be issued until it has been proved to the satisfaction of the Board of Trade, that the amount specified in the certificate has been properly expended upon the said harbour.

PART II.—ABOLITION OF PASSING TOLLS.

4. *Abolition of passing tolls.*] From and after the first day of January, one thousand eight hundred and sixty-two, all tolls and rates ordinarily known by the name of passing tolls, leviable in respect of any harbours on ships which pass but do not enter such harbours, or on goods carried in any such ships, shall cease to be levied.

5. *Indemnity to creditors on passing tolls.*] If on the first day of January one thousand eight hundred and sixty-two any debts legally incurred before the fifteenth day of March, one thousand eight hundred and sixty-one, remain charged on the passing tolls hereby abolished, then subject to the special provisions hereinafter contained, the creditors to whom such debts are due shall be indemnified out of the Consolidated Fund, and

the growing produce thereof for any loss they may sustain by reason of such abolition; but any income or other property that may be charged with the said debts in common with such tolls, shall (except in the case of debts legally charged upon the tolls or revenues of the harbours of Whitby and Bridlington previous to the fifteenth day of March, one thousand eight hundred and sixty-one) be liable to make good any payment made in pursuance of this Act for the indemnity of the creditors.

PART III.—ABOLITION OF DUES LEVIED BY CHARITABLE CORPORATION.

6. *Abolition of dues leviable by charitable authorities.*] All rates, dues, duties, and imposts (hereinafter included in the term shipping dues) leviable by any of the charitable authorities named in the first schedule annexed hereto on ships or on goods carried in ships, shall, except so far as the same may be required for the execution of such shipping purposes as have hitherto been executed by means of the said dues, cease to be levied on and after the first day of January, one thousand eight hundred and seventy-two.

7. *Dues levied for shipping purposes on ships or goods which derive no benefit.*] Whenever any of the said shipping dues leviable by any of the said authorities named in the first schedule are applicable to shipping purposes, but such shipping purposes are not for the benefit of ships or goods carried therin at the port or place at which such dues are levied, such dues shall cease to be levied on and after the first day of January, one thousand eight hundred and seventy-two.

8. *Provision for payment of pensions granted before 15th March, 1861, and for application of surplus.*] During the period prior to the said first day of January, one thousand eight hundred and seventy-two, the shipping dues levied by each of the authorities named in the said first schedule, including the compensation for differential dues hereinabove mentioned, shall, subject to the execution of any shipping purposes to which the same or any part thereof may be applicable, be applied in payment of any pensions which have been lawfully granted, or in which a vested interest, absolute or contingent, has been lawfully created before the fifteenth day of March, one thousand eight hundred and sixty-one; and any surplus arising from the said dues during the said period, after providing for the said shipping purposes, and payment of the said pensions for the time being, and such payments for charitable or other purposes as have heretofore ordinarily been made by the said authority out of the said dues, shall, with the interest thereon, after the termination of the said period, be applied in payment of such, if any, of the said pensions as have not then ceased; and subject to such payment, the said surplus shall become part of the charitable funds of the said authority, and shall be held and administered by them upon the same trusts and for the same purposes upon and for which the said dues would have been held and applied if this Act had not passed; if at any time after the expiration of the said period it is made to appear to her Majesty in council that any of the said pensions are still in existence, and that after duly accounting for the surplus aforesaid, the authority by which such pensions were granted is unable, either out of the said surplus or out of their other funds applicable to charitable purposes, to pay the said pensions, it shall be lawful for her Majesty from time to time, by order in council, to declare that the shipping dues theretofore levied by the said authority shall continue for such time and to such extent as may by such order be declared to be necessary for payment of the said pensions; and thereupon the said shipping dues shall continue to be leviable according to the terms of such order: provided that nothing in this Act contained shall enable any of the said authorities to apply any part of the said dues to any purposes to which they could not lawfully have applied the same if this Act had not passed.

9. *List of pensions to be made out and sent to Board of Trade.*] Each of the said authorities shall, as soon as they conveniently can after the passing of this Act, make out and send to the Board of Trade a list of all pensions to be paid by them which have been granted, or in which a vested interest has been created, before the fifteenth day of March, one thousand eight hundred and sixty-one, accompanied by such vouchers and explanations as the Board of Trade may require; and each of the said authorities shall, as early as possible in every year during the said period of ten years, publish in some local newspaper a statement of their gross receipts from the said shipping dues, and of the manner in which the same have been expended or applied in the preceding year.

PART IV.—ABOLITION OF DIFFERENTIAL DUES, AND COMPENSATION THEREFOR.

10. *Abolition of differential dues.*] All differential dues shall cease and be abolished on and after the first day of January, one thousand eight hundred and sixty-two.

11. *Compensation for differential dues, when to cease.*] All payments which would but for such abolition have been made out of public monies by way of compensation for differential dues, under the authority of the Acts enumerated in the second schedule hereto annexed, or of any other Act or Acts relating to such dues, shall continue until the first day of January, one thousand eight hundred and seventy-two, and shall then cease.

12. *Compensation whilst continued, to be limited.*] From and after the thirty-first day of December, one thousand eight hundred and sixty-one, the compensation for differential dues paid to any corporation, body of persons or person, in any one year shall be the amount paid to such corporation, body, or person in the year one thousand eight hundred and sixty; and the Commissioners of her Majesty's Treasury may cause the said compensation to be paid to the said corporations, bodies, or persons, without requiring them to transmit their claims to the Trinity House of Deptford Strand for examination.

13. *Commutation of compensation.*] The Commissioners of her Majesty's Treasury may at any time, on giving three months' notice of their intention so to do, commute annual payments by way of compensation for differential dues, by paying to the parties entitled thereto a gross sum, equal to such number of years' purchase as may for the time being remain unexpired of the period for which the said payments are to continue, after deducting interest on the anticipated payments at the rate of four per centum.

14. *Indemnity to public authorities.*] All such harbour and pilotage authorities and other bodies corporate, bodies of persons, and persons, as have heretofore applied to shipping purposes or to other public purposes, compensation paid to them for differential dues, or as have contracted debts for such purposes, may, from and after such time as such compensation ceases to be paid to them, with the consent of her Majesty in Council, indemnify themselves for the loss thereof by raising any rates which they have power to levy, to such an amount as will produce a sum that will enable them to perform such services, subject to this proviso, that no rates or dues of any kind shall in pursuance of the power hereby given be made payable in respect of any foreign ship, or goods carried in any foreign ship, over and above the rates and dues made payable under like circumstances in respect of British ships and the goods carried in British ships.

15. *Power to recover increased dues.*] In the event of any increase of taxes or rates being sanctioned by her Majesty in Council, the body corporate, persons, or body of persons empowered to increase the same shall, notwithstanding any Act of Parliament, charter, or usage to the contrary, have the same powers and remedies for levying such increased taxes or rates as they had for levying the same taxes or rates previously to such increase.

16. *Swing of rights of creditors.*] Nothing herein contained shall prejudice or affect the right of any creditor who may have advanced moneys either wholly or partially on the security of any differential dues, or of any payments out of the public moneys made by way of compensation for differential dues; but if the Commissioners of her Majesty's Treasury make any payment of such creditor in respect of such compensation the sum so paid shall be deemed to be a debt due to the Crown from the persons or body to whom the creditor made the advance in respect of which the payment is made, and shall be recoverable accordingly.

PART V.—POWER TO TOWN CORPORATIONS, &c., TO TRANSFER SHIPPING DUES TO HARBOUR AUTHORITIES.

17. *Power to transfer dues.*] Any body corporate or person having power to levy shipping dues may, with the consent of her Majesty in council, by deed transfer, upon such terms as they or he think fit, all or any portion of the shipping dues leviable by them or him to any authority entrusted with the duty of constructing, maintaining, or improving any public harbour within which such dues or any portion thereof may be levied; and the transferees of such dues shall be possessed of all the rights and privileges in respect of such dues of which the transferors were possessed previously to such transfer, and shall apply the said dues to shipping purposes within the said harbour.

18. *Notice of intended transfer to be given.*] Previously to making any such transfer as aforesaid, the parties proposing to make the same, hereinafter called the transferors, shall give notice of the terms on which it is proposed to be made, by publishing such terms twice at least in some local newspaper or newspapers, or by issuing advertisements naming a time and place at which a copy of the proposed terms may be inspected; and it shall be lawful for any persons or body of persons interested in the matter, to lay before them in writing such objections or observations with reference thereto as they think expedient, and it shall be the duty of the transferors and of the said harbour authority to take the same into consideration and to make such modifications in or additions to the said terms (if any) as they may think fit to adopt, and it shall likewise be their duty, in applying for the consent of her Majesty in council, to forward all such objections and observations, with their answer thereto, for the consideration of her Majesty in council.

19. *Evidence of transfer.*] Upon the completion of the transfer a copy of the order in council approving of the transfer, accompanied with a copy of the instrument of transfer, shall be published in the London Gazette; and the production of the London Gazette containing such copy shall be evidence that the said transfer has been effected.

20. *Power to borrow money in order to effect such transfer.*] Every harbour authority may from time to time borrow at interest, on the security of any property belonging to them, or of any rate or rates which they have power to levy, any sum or sums they may require for procuring any such transfer as aforesaid to be made to them; and for the purposes of such borrowing the clauses of "the Commissioners Clause Act, 1847," with respect to the mortgages to be executed by the commissioners (except the clause numbered 84) shall be incorporated with this Act. The said transferors shall hold and apply all monies paid to them by way of consideration for any such transfer as aforesaid upon the same trusts, if any, and for the same purposes, upon and for which the said shipping dues, if not so transferred, would have been held and applied.

PART VI.—ABOLITION OF SPECIAL TAXES AT DUBLIN.

21. *Abolition of special taxes at Dublin.*] All taxes on ships, or goods carried in ships, leivable within the port of Dublin, which are mentioned in the third schedule hereto shall cease to be levied on and after the first day of January one thousand eight hundred and sixty-two.

PART VII.—MAINTENANCE OF RAMSGATE, DOVER, WHITBY, AND BRIDLINGTON HARBOURS.

Ramsgate Harbour

22. *Transfer of Ramsgate Harbour to Board of Trade.*] On and after the first day of January, one thousand eight hundred and sixty-two, the harbour of Ramsgate and the soil thereof, and all property, real and personal, vested in the trustees of the said harbour, or in any person in trust for the purposes of the said harbour, with their actual and reputed appurtenances, subject to all leases, contracts, charges, or other liabilities affecting the same, shall be transferred to and are hereby vested in the Board of Trade.

23. *Transfer of powers to Board of Trade.*] All powers, rights and privileges of imposing, collecting, or recovering any taxes or rates, of purchasing any lands, or of doing any other matter or thing relating to the said harbour of Ramsgate, or the property belonging thereto, which may by virtue of any Act of Parliament, charter or otherwise, be vested in or exercisable by the trustees of Ramsgate Harbour, shall be transferred to and are hereby vested in the Board of Trade.

24. *Debts, &c. of trustees enforceable against Board of Trade.*] All debts and obligations incurred, all contracts entered into, and all matters and things engaged to be done by, with, or for the trustees of Ramsgate Harbour, in respect of any property, powers, rights, or privileges hereby transferred to the Board of Trade, shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the Board of Trade, and all such debts, obligations, contracts, matters and things, and all securities for the same, and all penalties and forfeitures for the non-performance thereof, shall be enforceable by or against the Board of Trade, to the same extent as the same would, if no such transfer had taken place, have been enforceable by or against the said trustees of Ramsgate Harbour.

25. *Accounts of trustees of Ramsgate Harbour to be made up.*] The accounts for the trustees of Ramsgate Harbour for the

period antecedent to the said transfer shall be finally made up and shall be audited, settled, allowed, approved and transmitted to the Honourable the House of Commons, as required by the Acts relating to the harbour; and thenceforth the trustees and all persons who at any time shall have been trustees of the harbour, and their respective representatives, shall be freed from all liabilities whatsoever, under or by virtue of the Acts relating to the harbour or any of them.

26. *Indemnification of trustees of Ramsgate Harbour.*] The Board of Trade shall out of the Ramsgate Harbour Fund indemnify the trustees of Ramsgate Harbour and their respective representatives from all liabilities not arising from their own personal wrongful act or default, to which the trustees at the time of this Act coming into operation are or but for this Act would become subject.

27. *Rates to be taken in Ramsgate Harbour.*] On and after the first day of January, one thousand eight hundred and sixty-two the Board of Trade may, for the purpose of maintaining and improving the harbour of Ramsgate, in lieu of the rates heretofore levied, impose and levy rates on vessels entering and using the said harbour, and on goods shipped or unshipped in the said harbour, not exceeding the rates specified in the schedule (A.) annexed to "The Burgh Harbours (Scotland) Act, 1853," with the exceptions and modifications herein after mentioned; that is to say,

- (1.) In the case of any vessel carrying passengers the Board of Trade may, instead of levying a tonnage rate on the vessel, levy on every passenger embarking from or landing on the pier or piers of the said harbour on or from the said vessel, a rate not exceeding threepence, to be paid if demanded before the passenger is allowed to embark or land:
- (2.) On every ton of coal, coke, or culm shipped or unshipped in the said harbour, the Board of Trade may levy a rate not exceeding sixpence:
- (3.) Whenever any vessel enters the harbour in distress, and for the purpose of repairing the said vessel any goods are unshipped therefrom, and the rates upon the unshipment of such goods are duly paid, then if such goods are afterwards re-shipped in the said harbour without any change in the ownership thereof having taken place, no further rates shall be leviable upon the said goods in respect of such re-shipment:
- (4.) No rates shall be levied on fishing boats belonging to Ramsgate:
- (5.) No rate shall be levied on vessels using the said harbour solely as a harbour of refuge, and remaining therein not more than sixty hours:

And the Board of Trade may from time to time vary such rates by reducing or raising the same, so that they do not exceed the rates hereinbefore authorized.

28. *Board of Trade to receive per-centge on salvage.*] On and after the first day of January, one thousand eight hundred and sixty-two, the Board of Trade shall be entitled to receive a per-centge of five pounds in the hundred on all salvage paid or liable to be paid in respect of any ship or boat, or cargo or apparel of any ship or boat, or any wreck or other property, which may be brought into the said harbour; and such per-centge shall be deducted from the salvage, and shall be paid to the Board of Trade before the remainder of the salvage is paid over to the salvors, and shall be recoverable by the same means by which the salvage is recoverable.

29. *Gross sum of £2,000 to be paid to mayor, &c., of Sandwich in lieu of annual payment of £200.*] From and after the first day of January, one thousand eight hundred and sixty-two, the sum of two hundred pounds a-year heretofore paid to the mayor, alderman, and burgesses of Sandwich out of the revenues of the harbour of Ramsgate shall cease, and in lieu thereof there shall be paid to them, on or before that day, by the Board of Trade, out of the Ramsgate Harbour Fund herein-after mentioned, a single sum of two thousand pounds.

30. *Application of the said sum of 2,000.*] The said mayor, alderman, and burgesses shall apply the said sum of two thousand pounds in payment or part payment of any debts lawfully charged on the said annual sum of two hundred pounds, heretofore paid to them either alone or in common

ith other property or income of the said mayor, alderman, and burgesses; and the remainder, if any, of such debts, shall be paid by the said mayor, alderman, and burgesses out of any rate or rates they may have power to levy in respect of the harbour of Sandwich; and the said mayor, alderman, and burgesses may, notwithstanding any prohibition contained in

any Act of Parliament as to the maximum amount of such rate or rates, raise the same to such amount as may be necessary for satisfying such debts as aforesaid.

31. *Income of Ramsgate Harbour to be carried to Ramsgate Harbour account.*] All money and income received by the Board of Trade in pursuance of this Act shall be carried to a separate account, entitled "The Ramsgate Harbour Fund Account," and, subject to any other charges specified in this Act, the same shall be applied to the management, maintenance, and improvement of the said harbour.

32. *Ramsgate Harbour accounts to be rendered to the Treasury and signed by Accountant of Board of Trade.*] The Board of Trade shall, whilst Ramsgate Harbour remains in their hands, render to the Commissioners of her Majesty's Treasury periodical accounts of the whole of the receipts and expenditure in respect thereof, such accounts to be signed and declared to by the accountant appointed by the Board of Trade for that purpose, and the said Commissioners shall cause the same to be examined and audited in such manner as they think fit.

33. *Such accounts to be laid before Parliament.*] The Board of Trade shall, as soon as practicable after the meeting of Parliament in every year, cause the accounts of Ramsgate harbour for the preceding year to be laid before both Houses of Parliament.

34. *Board of Trade may continue Ramsgate Harbour Superannuation Fund or wind up the same.*] Whereas the trustees of Ramsgate Harbour have established a benefit or superannuation fund for persons employed by them at weekly wages, by means of contributions from the workmen, and the sum added out of the revenues of the harbour: and whereas there is a considerable capital now standing to the credit of the said fund: be it enacted, that the Board of Trade shall either continue the said benefit or superannuation fund in accordance with the regulations now in force with respect to the same, or such other regulations as may from time to time be approved by them, or shall wind up the said fund in such a manner that every pension granted by the trustees before the fifteenth day of March, one thousand eight hundred and sixty-one, or granted by them after that day and allowed by the Board of Trade, shall be fully paid, and that every contributor not in receipt of a pension granted before such time as aforesaid shall be repaid the amount he has contributed, with interest at £3 per centum per annum: in case the said fund is wound up, the capital of the said fund now in the hands of the trustees shall be employed in satisfying its liabilities; if the said capital is insufficient for the purpose, the deficiency shall be made up out of the Ramsgate Harbour Fund, but if the said capital is more than sufficient for the purpose, any surplus shall be carried to the credit of the last-mentioned fund.

35. *Board of Trade may allow compensation to persons deprived of offices.*] The Board of Trade shall allow compensation or superannuation allowance to any person in the employ of the trustees of Ramsgate Harbour not having claims on the benefit or superannuation fund hereinbefore mentioned, whose salary or emoluments are by reason of the passing of this Act abolished or made less than they were before the fifteenth day of March, one thousand eight hundred and sixty-one, or who being continued in the employ of the Board of Trade afterwards retires from the service, so that no such compensation or superannuation allowance shall exceed the proportion of salary or emoluments which might be granted under similar circumstances to a person in the public civil service, and so that no such compensation or superannuation allowance shall be granted, except in the cases and upon the conditions in and upon which the same would or might be granted if such persons had been employed in the public civil service; and any compensation or superannuation allowance so allowed shall be paid out of the Ramsgate Harbour Fund.

36. *Deficiency of income to be supplied by moneys voted by Parliament.*] If at any time whilst the harbour of Ramsgate is vested in the Board of Trade the income and revenue applicable to the purposes of managing, maintaining, and improving the said harbour of Ramsgate are insufficient for such purposes, or for the other purposes to which the said Ramsgate Harbour Fund is applicable, it shall be lawful for the Commissioners of her Majesty's Treasury to advance such sums as may be requisite for the said purposes out of moneys to be provided for the purpose by Parliament.

37. *Harbour to be free from rates.*] The harbour of Ramsgate shall not be assessed, rated, or liable to pay any county,

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parochial, or other rates or cesses; and Ramsgate Harbour, and all property and income vested in or belonging to the Board of Trade in respect of the said harbour, and all premises or property used or applied by the Board of Trade for the purpose of the said harbour, and all instruments or writings used by the Board of Trade in respect of the said harbour, shall be exempted from all public taxes and duties of every kind; save only that parochial or other local rates shall still be payable on those parts of the said property at Ramsgate on which they have heretofore been paid.

38. *Town dues on coal not to be levied in certain cases.* 1 & 2 Vict. c. 122. [local.] No dues shall be levied by the Commissioners for Paving, Lighting, Watching, and Improving the town of Ramsgate on coal, culm, and coke imported, landed, or shipped within the parish or harbour of Ramsgate in the following cases; that is to say,

- (1.) When the same are wholly and in good faith consumed in and for the purposes of the said harbour or in vessels lying in the said harbour;
- (2.) When the same are wholly and in good faith consumed by the engines or on the premises of any railway company having access by means of a continuous line of railway or tramway to the said harbour;
- (3.) When the same are conveyed on any such railway to and delivered from the same at any place beyond the parish of Ramsgate, and the adjoining parish of Saint Lawrence, and are not thereafter delivered within either of those parishes:

And if, in any of such cases, dues have in the first instance been paid to the said commissioners, the parties who have paid them shall be allowed a drawback or return thereof, to be paid by the said commissioners out of any funds under their control; but if any person fraudulently obtains or endeavours to obtain the said drawback without being legally entitled to the same, he shall be liable for every such offence to a penalty not exceeding fifty shillings; and such penalty may be recovered and shall be applied under the Act (local and personal) of the first and second years of the reign of her present Majesty, intituled "An Act for better Paving, Lighting, Watching, and Improving the Parish of Ramsgate in the County of Kent, and for regulating the Police thereof."

39. *Provisions of 10 & 11 Vict. c. 17, incorporated with this Act.* For the purposes of Ramsgate Harbour, "The Harbours, Docks, and Piers Clauses Act, 1847," shall be deemed to be incorporated with this Act, and for the purposes of such incorporation this Act shall be deemed to be "the Special Act;" the rates and monies hereby made leivable on account of the harbour of Ramsgate shall be deemed to be "the rates authorised to be levied by the Special Act;" and the Board of Trade shall be deemed to be "the undertakers."

40. *Certain parts of property of trust to be within Ramsgate police jurisdiction.* 1 & 2 Vict. c. 122. [local.] So much of the sea shore belonging to the trustees of Ramsgate Harbour, and lying either to the eastward or westward of the said harbour as is for the time being used as a public highway, or as lies between high and low water mark, shall be deemed to be a public highway within the parish, so far and so far only as relates to any offences committed thereon contrary to the provisions of the said Act (local and personal) of the first and second years of the reign of her present Majesty, intituled "An Act for better Paving, Lighting, Watching, and Improving the Parish of Ramsgate in the County of Kent, and for regulating the Police thereof," for which the offenders would have been liable to fine, penalty, or forfeiture in case the same offences had been committed on any other public highway within the said parish of Ramsgate.

Dover Harbour.

41. *Harbour of Dover to be vested in a board of trustees to be called "The Dover Harbour Board."* From and after the passing of this Act, the harbour of Dover and the soil thereof, and all property, real and personal, vested in the warden and assistants of the harbour of Dover in the county of Kent, or in any person in trust for the purposes of the said harbour, with their actual and reputed appurtenances, subject to all liabilities affecting the same, shall be transferred to and vested in a board of trustees, to be called "The Dover Harbour Board," constituted as hereinafter mentioned; and the said Dover Harbour Board shall be a body corporate, with a perpetual succession and a common seal, and having a capacity to hold lands subject to the provisions of this Act.

42. *Rights of imposing rates transferred to Dover Harbour*

Board.] All rights and privileges of imposing, collecting, or recovering any taxes or rates, of purchasing any lands, or of doing any other matter or thing relating to the said harbour of Dover, or the property belonging thereto, or to the said warden and assistants of Dover Harbour, which may, by virtue of any Act of Parliament, charter, or otherwise, be vested in or exercisable by the warden and assistants of Dover Harbour, shall, on and after the passing of this Act, by force and virtue of this Act, be transferred to and vested in the said Dover Harbour Board.

43. *Existing debts, &c. enforceable by or against Board.* All debts and obligations incurred, all contracts entered into, and all matters and things engaged to be done by, or for the warden and assistants of Dover Harbour, in respect of any property, powers, rights, or privileges transferred to the said Dover Harbour Board as aforesaid, shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the Dover Harbour Board; and all such debts, obligations, contracts, matters, and things, and all securities for the same, and all penalties and forfeitures for the non-performance thereof, shall, on and after the passing of this Act, be enforceable by or against the said Dover Harbour Board to the same extent as the same would, if no such transfer had taken place, have been enforceable by or against the said warden and assistants of Dover Harbour.

44. *After 1st January, 1863, Board may impose rates for harbour purposes.* After the first day of January, one thousand eight hundred and sixty-two, the said Dover Harbour Board may, for the purpose of maintaining and improving the said harbour, with the consent of her Majesty in council, impose rates on vessels using the harbour, and on goods landed or shipped in the harbour, not exceeding the rates specified in schedule A. annexed to "The Burgh Harbours (Scotland) Act (1853)," and may from time to time, with the like consent, vary such rates by reducing or raising the same, so that they do not exceed the rates mentioned in the said schedule; and any rates so imposed may be either in lieu of or in addition to any other rates leivable by the said warden and assistants, and which by this Act the said Dover Harbour Board are authorised, on and after the said first day of January, one thousand eight hundred and sixty-two, to levy as aforesaid.

45. *Debts incurred prior to 15th March, 1861, and secured on passing tolls, shall be paid by Board out of rates.* Subject to the right of the creditor as reserved by this Act, all debts legally incurred previously to the fifteenth day of March, one thousand eight hundred and sixty-one, and secured on the passing tolls levied in respect of Dover Harbour, either alone or in common with other property, shall be paid by the said Harbour Board out of any rates they may have power to levy, and out of any real or personal property of which they may have become seized or possessed; and for the purpose of paying such debts, and the permanent improvement of the said harbour, the said Harbour Board may sell the real and personal property vested in them as aforesaid, or any part thereof, and apply the monies arising from such sale accordingly.

46. *Compensation to officers not re-appointed by board to offices of equal value.* If any of the present officers of the warden and assistants of Dover Harbour shall not be appointed by the said Harbour Board to the same offices as those they now hold, or to others of an equal annual value, then the said Harbour Board may, with the consent of the Board of Trade, allow such compensation or superannuation allowance as the said Harbour Board may think fit to any such officer or officers, but so that no such compensation or superannuation allowance shall exceed the proportion of salary or emoluments which might be granted under similar circumstances to a person in the public civil service under the Act of the twenty-second year of the reign of her present Majesty, chapter twenty-six, or of any other Act for regulating such compensation or superannuation allowance for the time being in force; and any compensation or superannuation allowance so allowed shall be paid out of the revenue of the said harbour board.

47. *Constitution of Dover Harbour Board.* The said Dover Harbour Board shall consist of seven members, four of whom shall form a quorum; the said seven members shall be the Lord Warden for the time being of the Cinque Ports, two burgesses of the borough of Dover elected by the town council every three years, and to be eligible for re-election, a member, to be from time to time appointed by the President of the Board of Trade for the time being, a member to be from time to time appointed by the first Lord of the Admiralty for the

time being, a member to be from time to time appointed by the South-eastern Railway Company under their common seal, and a member to be from time to time appointed by the London, Chatham, and Dover Railway Company, under their common seal: provided, that in the event of either or both of the said railway companies failing or declining to appoint a member of the said Harbour Board within one calendar month after having been required so to do by the President of the Board of Trade, then such President shall, from and after such default, be entitled thereafter to appoint from time to time another member or members in lieu thereof, as the case may be; and the said Lord Warden shall *ex officio* be chairman of the said Harbour Board; and the said Lord Warden shall also from time to time nominate under his hand one of the members of the said Harbour Board to be his deputy, to preside at all meetings at which the said Lord Warden shall not be present; and in the event of an equality of votes at any meeting of the said Board the chairman of such meeting shall be entitled to a casting vote in addition to his ordinary vote.

48. *Members of Board not to hold places of profit or be concerned in contracts. Penalty for so offending. Contracts and bargains made contrary hereto to be void.*] No member of the said Harbour Board shall enjoy any office or place of profit under this Act; and no such member shall directly or indirectly by himself or his partner have any share or interest in or be in any manner concerned in any contract or bargain relating to any works to be ordered, done, or executed under the provisions of this Act or any other Act, or any charter, relating to Dover Harbour, or in the execution for any such works, or in the supplying of any materials for any such works, or for the use of the said harbour or Board; and if any member of the said Board shall disobey this enactment, every such member so offending shall for every such offence forfeit and pay the sum of one hundred pounds to any person or persons who shall sue for the same, and shall, upon being convicted of any such offence, become then and be for ever afterwards incapable of being or acting as a member of the said Board; and no such contract or bargain as aforesaid, which any such offending member has entered into contrary to the intent of this enactment shall be enforced against the said Board: provided nevertheless, that all acts and proceedings of any person acting as a member of the said Board previous to his being convicted of any such offence, shall, notwithstanding such conviction, be good, valid, and effectual.

49. *If the debts are paid out of public monies, they may be recovered as debts due to the Crown.*] If at any time any debt hereby made payable by the said Dover Harbour Board are paid out of monies provided by Parliament in pursuance of this Act, the amount so paid shall be deemed to be a debt due to the Crown from the said Dover Harbour Board, and shall be recoverable accordingly.

50. *No new debts to be incurred till existing debts are discharged, without Treasury consent.*] Until the debts charged on the revenues of Dover Harbour previously to the said fifteenth day of March, one thousand eight hundred and sixty-one, are discharged, it shall not be lawful for the Dover Harbour Board to charge the said revenues or any part thereof with any new debt, or to undertake any new works, without the consent of the Commissioners of her Majesty's Treasury.

51. *Power to Corporation of Dover to transfer dues to harbour.*] The mayor, aldermen, and burgesses of Dover, herein-after called the Corporation, may at any time hereafter, by deed under their common seal, transfer to the said Dover Harbour Board, to be applied by them to the purposes of the harbour, all or any of their powers, rights, and privileges, whether exercised by them in the capacity of corporation or of local board of health, of levying rates and dues on coal, calm, and coke imported, and of levying rates and dues on ships or on goods carried in ships; and thereupon the said Dover Harbour Board may exercise the powers, rights, and privileges so transferred in as full a manner as but for such transfer the said corporation might have exercised the same.

52. *Corporation and Harbour Board may apportion debts as between themselves.*] The said Corporation and the said Dover Harbour Board may, on any such transfer as aforesaid, enter into such arrangements as they may think fit, for the apportioning as between themselves the incidence of any debt charged on the rates and dues so transferred, and for granting indemnities to each other for the purpose of carrying such arrangements into effect.

53. *Reservation of rights of creditors.*] Any creditor shall, in respect of any advance made by him on the security of the

rates and dues hereby authorised to be transferred to the said Dover Harbour Board, have the same claim against the said rates and dues when transferred to the said Dover Harbour Board, and against the said Dover Harbour Board to the extent of the rates and dues so transferred, as he would, if such transfer had not been made, have had in respect of the same debt against such rates and dues in the hands of the said corporation, and against the said corporation in respect thereof.

Whitby and Bridlington Harbours.

54. *Debts on harbours to be paid out of Consolidated Fund.*] The principal and interest of all debts which have previously to the fifteenth day of March, one thousand eight hundred and sixty-one, been legally charged on the tolls or revenues of the harbours of Whitby or Bridlington, shall be chargeable upon the Consolidated Fund of the United Kingdom, and shall be paid in such manner as the Commissioners of her Majesty's Treasury may direct; and the debt payable to the Public Works Loan Commissioners charged upon the tolls or revenues of the harbour of Bridlington shall cease from the first day of January, one thousand eight hundred and sixty-two.

55. *Compensation to servants of Whitby trustees.*] The Commissioners of her Majesty's Treasury may allow out of monies to be voted by Parliament such compensation or superannuation allowance as they may think fit to any person in the employ of the trustees of Whitby Harbour who by reason of the passing of this Act is deprived of any salary or emolument, so that no such compensation or superannuation allowance exceeds the proportion of salary or emoluments which might be granted under similar circumstances to a person in the public civil service.

56. *Trustees and commissioners not to charge passing tolls with further debts.*] It shall not be lawful for the trustees of Whitby Harbour or the commissioners of Bridlington Harbour to charge the passing tolls levied by them with any new debts, nor shall it be lawful for them, until the first day of January, one thousand eight hundred and sixty-two, to undertake any new works without the consent of the Commissioners of her Majesty's Treasury.

57. *Power to trustees of Whitby Harbour to levy rates.*] The trustees of Whitby Harbour may, for the purpose of maintaining and improving the harbour, with the consent of her Majesty in council, impose rates on vessels using the harbour, and on goods shipped or unshipped in the harbour, not exceeding the rates specified in schedule A, annexed to "The Burgh Harbours (Scotland) Act, 1853," and may from time to time, with the like consent, vary such rates by reducing or raising the same, so that they do not exceed the rates mentioned in the said schedule; and any rates so imposed may be either in lieu of or in addition to any other rates leviable by the said trustees.

58. *Power to Town Commissioners of Whitby to transfer dues to harbour.*] The commissioners acting under the Act of the seventh year of the reign of King William the Fourth, intituled, "An Act for the better Paving, Cleansing, Lighting, Watching, and Improving the Town of Whitby in the North Riding of the County of York," may, if they shall think fit, at any time hereafter, by deed transfer to the said trustees of Whitby Harbour, to be applied by them to the purposes of the harbour, all or any of the powers, rights, and privileges which they may possess of levying rates and dues on coal or other articles imported, or of levying rates and dues on ships or on goods carried in ships; and thereupon the said trustees may exercise the powers, rights, and privileges so transferred in as full a manner as but for such transfer the said commissioners might have exercised the same.

59. *Reservation of rights of creditors.*] Any creditor shall, in respect of any advance made by him on the security of the rates and dues hereby authorised to be transferred to the said trustees of Whitby Harbour, have the same claim against the said rates and dues when transferred, and against the said trustees to the extent of the rates and dues so transferred, as he would, if such transfer had not been made, have had in respect of the same debt against such rates and dues in the hands of the said commissioners, and against the said commissioners in respect thereof.

60. *Trustees and commissioners may apportion debt as between themselves.*] The said trustees and commissioners may, on every such transfer as last aforesaid, enter into such arrangements as they may think fit for the apportioning as between themselves the incidence of any debt charged on the

rates and dues so transferred, and for granting indemnities to each other for the purpose of carrying such arrangements into effect.

61. *Vessels using Whitby Harbour to pay toll for support of tide lights.*] On and after the first day of January, one thousand and eight hundred and sixty-two, all vessels exceeding ten tons entering and leaving the harbour of Whitby shall pay to the trustees of Whitby Harbour such sum or toll, not exceeding one penny per ton, as such trustees may from time to time direct to be paid to them, for the support, maintenance, and improvement of the existing or any future tide lights at the entrance of the harbour: provided always, that any vessel which should have paid such tolls on entering the harbour may again leave the harbour without further payment of toll.

62. *Power to Commissioners of Bridlington Harbour to levy rates.*] The Commissioners of Bridlington Harbour may, for the purpose of maintaining and improving the harbour, with the consent of her Majesty in council, impose rates on vessels using the harbour, and on goods shipped or unshipped in the harbour, not exceeding the rates specified in schedule A, annexed to "The Burgh Harbour (Scotland) Act, 1853," and may from time to time, with the like consent, vary such rates by reducing or raising the same, so that they do not exceed the rates mentioned in the said schedule; and any rates so imposed may be either in lieu of or in addition to any other rates leivable by the said Commissioners.

63. *Incorporation of Harbours, Docks, and Piers Clauses Act.*] For the purpose of the rates to be taken at the harbours of Dover, Whitby, and Bridlington, so much of "The Harbours, Docks, and Piers Clauses Act, 1847," as relates to the collection and recovery of rates, shall be deemed to be incorporated with this Act, and for the purposes of such incorporation this Act shall be deemed to be "the Special Act;" the rates and monies hereby made leivable on account of the said harbours shall be deemed to be "the rates authorized to be levied by the Special Act;" and each of the authorities hereby authorized to levy such rates shall be deemed to be "the undertakers."

PART VIII.—MISCELLANEOUS.

64. *Nothing in 22 & 23 Vict. c. 29, deemed to revive taxes, &c., which but for 9 & 10 Vict. c. cccxli. would have been payable to Marine Society.*] Whereas by the Act of the ninth and tenth Victoria, chapter three hundred and forty-six (local and personal), a tax of two shillings was made payable to the Marine Society by certain fishing vessels passing the Nore, and the said fishing vessels were exempted from all other claims, dues, and customs: and whereas by the Act of the twenty-second and twenty-third Victoria, chapter twenty-nine, the said provisions of the Act of the ninth and tenth Victoria, chapter three hundred and forty-six, were repealed: and whereas doubts are entertained whether such repeal may not have revived other taxes formerly payable by fishing vessels to the said Marine Society, and it is expedient that such doubts be removed: be it enacted, that nothing in the said Act of the twenty-second and twenty-third Victoria, chapter twenty-nine, shall be deemed to have revived any taxes or rates which, but for the said Act of the ninth and tenth Victoria, chapter three hundred and forty-six, would have been payable to the said Marine Society.

65. *Title of Board of Trade.*] The Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations may be described in all Acts of Parliament, deeds, contracts, and other instruments, by the official title of "the Board of Trade" without expressing their names, and all Acts of Parliament, contracts, deeds, and other instruments wherein they are so described shall be as valid as if the said lords or any of them had been named therein.

66. *Vesting of property in Board of Trade.*] All lands and hereditaments heretofore purchased or taken by or in the name or names of any person or persons, for the use of the department of the Board of Trade, and all lands and hereditaments hereby transferred to and vested in the Board of Trade, and all lands and hereditaments that may hereafter be conveyed to the Board of Trade, or to any other person or persons for the use of the department of the Board of Trade, shall, upon and after the passing of this Act, vest in the persons for the time being constituting the Board of Trade, and upon their vacating their offices shall be transferred to and vested in their successors in office, in a perpetual succession, and shall

be held by such persons and their successors in office on trust for her Majesty, her heirs and successors, for the public service.

67. *Execution of instruments.*] Any deed, contract, or other instrument to be executed by or on behalf of the Board of Trade shall be valid if under the seal of the Board of Trade and signed by the president or vice-president thereof, or signed, if there be no president or vice-president, by any one of her Majesty's principal secretaries of state.

68. *Disposition of monies arising from sale.*] The monies to arise by any sale of land made by the Board of Trade shall be paid to such persons as the said Board appoint, and a receipt signed by the president or vice-president of the said Board, or, if there be no such officers, by any one of her Majesty's principal secretaries of state, shall be an effectual discharge to the purchaser.

69. *Power of Board of Trade to purchase lands.*] The Board of Trade may purchase any lands they may require for the public service; and for the purposes of such purchase the clauses of "The Lands Clauses Consolidation Act, 1845," and of "The Lands Clauses Consolidation (Scotland) Act, 1845," and of any Act amending the same, with the exception of such clauses of the said Acts as relate to the purchase of lands otherwise than by agreement, and to access to the Special Act shall be incorporated with this Act.

FIRST SCHEDULE.

NAME OF AUTHORITY.

The Trinity House of Kingston-upon-Hull.
The Trinity House of Newcastle-on-Tyne.
The Fraternity of Hostmen of Newcastle-on-Tyne.
The Society of Keelmen on the River Tyne.
The Trinity Corporation of Leith.
The Guildry Incorporation of Perth.
The Fraternity of the Masters and Seamen of Dundee.

SECOND SCHEDULE.

STATUTES REFERRING TO DIFFERENTIAL DUES.

Year and Chapter.	Title of Act.	Sections.
50 Geo. 3. c. 54.	An Act to carry into effect a Convention of Commerce concluded between his Majesty and the United States of America, and a Treaty with the Prince Regent of Portugal.	Section 9.
8 & 9 Vict. c. 90.	An Act for granting Duties of Customs.	Sections 9, 10 11, & 12.
20 & 21 Vict. c. 62.	An Act for the Alteration and Amendment of the Laws and Duties of Customs.	Section 17.

THIRD SCHEDULE.

SPECIAL TAXES AT DUBLIN.

Name of Tax.	Act under which levied.
Duty on Vessels of Twopence per Ton... Two Shillings and Sixpence upon every Entry Inwards made in the Port of Dublin.	45 Geo. 3. c. 18. (Schedule D.)
Two Shillings and Sixpence upon every Entry Outwards made in the Port of Dublin.	
Duties leviable in respect of the several Persons and Matters specified in the Schedule to the Act mentioned in the next Column.	56 Geo. 3. c. 62.

CAP. XLVIII.

An Act to provide for the Costs of certain Proceedings to be taken under the Landlord and Tenant Law Amendment (Ireland) Act (1860).

[1st August, 1861.]

CAP. XLIX.

An Act to enable Justices in Ireland to commit to Local Bridewells Persons convicted of Drunkenness.

[1st August, 1861.]

CAP. L.

An Act for facilitating the Transfer of Mortgages and Bonds granted by Railway Companies in Scotland.

[1st August, 1861.]

CAP. LI.

An Act for granting Pensions to some Officers and Men in the Metropolitan Police Force; and for other Purposes.

[1st August, 1861.]

23 & 24 Vict. c. 135.] WHEREAS in the session of Parliament holden in the twenty-third and twenty-fourth years of her Majesty's reign an Act was passed for the employment of the Metropolitan Police Force in her Majesty's yards and military stations: and whereas some of the officers and men who formerly acted as the police in her Majesty's yards were permitted to join the Metropolitan Police Force, and it is necessary to make provision for pensions for such officers and men who would or might have been entitled to pensions had they continued to act as police in her Majesty's yards without being appointed constables in the Metropolitan Police Force; and it is also expedient to give further protection to the Metropolitan Police Force employed in her Majesty's yards and military stations when in the execution of their duty: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Provisions for pensions.*] There shall be paid to the receiver of the Metropolitan Police District or other proper officer, out of such monies as may at any time or from time to time be provided by Parliament for the purpose, such sum and sums of money as shall be sufficient to pay to such officers and men who formerly acted as the police in her Majesty's yards, and who joined the Metropolitan Police Force, such amount of pensions as the said officers and men would or might have become entitled to had they continued to act as police in her Majesty's yards without being appointed constables in the Metropolitan Police Force.

2. *Exemption from deduction from pay authorized by sect. 22 of 2 & 3 Vict. c. 47.*] The officers and men who formerly acted as the police in her Majesty's yards, and who joined the Metropolitan Police Force as aforesaid, are hereby exempted from the yearly rate of deduction from their pay which by the twenty-second section of the Act passed in the session holden during the second and third years of her Majesty's reign is authorized to be deducted from the pay of every constable belonging to the Metropolitan Police Force.

3. *Penalty for assaulting, &c., police when in execution of their duty.*] If any person shall assault or resist any constable belonging to the Metropolitan Police Force acting in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender, being summarily convicted thereof before any two justices of the peace, shall for every such offence forfeit and pay such sum, not exceeding five pounds, as the said justices shall think meet, or, in the discretion of the justices before whom he is convicted, may be imprisoned for any term not exceeding one calendar month; and the said justices are hereby authorized to issue warrants of distress to levy any such sum or sum by distress and sale of the offender's goods; and every such sum which shall be so paid or levied shall be applied as the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or the principal Secretary of State for the War Department, shall direct, any law, statute, charter, or custom to the contrary notwithstanding.

We fear that the insertion of this provision is significant of a defect in the Criminal Consolidation Acts of the present

session, which, though perhaps not to be avoided from the nature of things, will yet tend to mar the very object with which they were passed—namely, to present the statutory provisions against any particular class of crime in a single Act, so that he who runs may read without having occasion to investigate and compare sections upon the same subject occurring in other statutes. To carry out this view, the above section (altogether out of place, it may be remarked, in the present Act) should have been comprised in cap. 100, which professes to consolidate the whole law with regard to *offences against the person*; and which, in point of fact, contains two sections (adapted from the previous law) which overlap, and to a certain extent are inconsistent with the present section. For by cap. 100, s. 37, it is an indictable misdemeanour to assault, resist, or wilfully to obstruct *any* peace officer (including, of course, the metropolitan police) in the due execution of his duty, and made punishable with two years' imprisonment. And if it is answered to this, that the object of the present section is to make such assault on a metropolitan police officer punishable by way of summary conviction, it may be replied that in cap. 100 there is also a provision which will meet the object (viz., s. 42), and that under it two months' imprisonment may be imposed, and this with hard labour—an addition which appears to have been arbitrarily omitted in the present Act. It may be said, however, that neither of these two provisions in cap. 100 speak of the offence of "aiding or inciting any person to assault or resist;" but surely conduct of this description, if criminal at all, could have been safely left to the ordinary law, which makes all persons concerned in the commission of a misdemeanour guilty as principals. And even if it were thought proper expressly to provide for this by legislative enactment, the unnecessary cumulation of provisions against the actual assaulter above noticed is not thereby excused.

These observations are made, not that the present provision is likely to be in itself practically inconvenient, but because it affords an opportunity for drawing attention to the almost insuperable difficulty which attends the task of those who would attempt to consolidate the whole of the statute law into a small series of consecutive Acts.

CAP. LII.

An Act to empower the Governors of the several Australian Colonies to regulate the Number of Passengers to be carried in Vessels plying between Ports in those Colonies.

[1st August, 1861.]

CAP. LIII.

An Act to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers.

[1st August 1861.]

WHEREAS it is expedient to afford greater facilities for voting to the electors at elections for burgesses to serve in Parliament for the universities of Oxford, Cambridge, and Dublin: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Electors to vote by means of voting papers.*] It shall be lawful for such electors, in lieu of attending to vote in person, to nominate any other elector or electors of the same university, competent to make the declaration hereinafter mentioned, to deliver for them at the poll voting papers containing their votes, as by this Act provided. Every such voting paper shall bear date subsequently to notice given by the returning officer of the day for proceeding to election, and shall contain the name or names of the candidate or candidates thereby voted for, and the name or names of the elector or electors authorized on behalf of the voter to tender such voting paper at the poll, and shall be according to the form or to the effect prescribed in the schedule to this Act annexed. Such voting paper, the aforesaid date and names being previously filled in, shall, on any day subsequent to notice given by the returning officer of the day for proceeding to election, be signed by the voter in

the presence of a justice of the peace for the county or borough in which such voter shall be then residing; and the said justice shall certify and attest the fact of such voting paper having been so signed in his presence, by signing at the foot thereof a certificate or attestation in the form or to the effect prescribed in the said schedule, with his name and address in full, and shall state his quality as a justice of the peace for such county or borough.

2. *Voting papers to be read, and votes recorded.*] The voting paper, signed and certified as aforesaid, may be delivered to the vice-chancellor of the university for which the election is held, or to any pro-vice-chancellor appointed by him, or in the case of the university of Dublin, to the provost of Trinity College, or to any person lawfully deputed to act for him, at any one of the appointed polling places, during the appointed hours of polling, by any one of the persons therein nominated in that behalf who shall, on tendering such voting paper at the poll, read out the same; and the said vice-chancellor, pro-vice-chancellor, provost, or deputy shall receive the voting papers as the same shall be delivered, and shall cause the votes thereby given, or such of them as may not appear to be contrary to the provisions of this Act, to be recorded in the manner heretofore used, in all respects as if such votes had been given by the electors attending in person; and all votes so recorded shall have the same validity and effect as if they had been duly given by the voters in person: provided always, that no person shall be entitled to sign or vote by more than one voting paper at any election, and that no voting paper containing the names of more candidates than there are burghesses to be elected at such election shall be received or recorded: provided also, that no voting paper shall be received or recorded unless the person tendering the same shall make the following declaration, which he shall sign at the foot or back thereof:—

"I solemnly declare, that I am personally acquainted with A. B. [the voter], and I verily believe that this is the paper by which he intends to vote pursuant to the provisions of the Universities Elections Act."

Provided also, that no voting paper shall be so received and recorded if the voter signing the same shall have already voted in person at the same election: provided also, that every such elector shall be entitled to vote in person, notwithstanding that he has duly signed and transmitted a voting paper to another elector, if such voting paper has not been already tendered at the poll.

3. *Voting papers may be inspected by any person now entitled to object to votes.*] It shall be lawful for any person now by law or custom authorized on behalf of any candidate to object to votes to inspect any voting paper tendered at the poll before the same shall be received or recorded, and to object to it on one or more of the following grounds:

1. That the person on whose behalf the voting paper is tendered is not qualified to vote:
2. That the person tendering the voting paper is not duly qualified in that behalf:
3. That the person in whose behalf the voting paper is tendered has already voted at that election in person or by voting paper:
4. That the voting paper bears date anterior to notice given by the returning officer of the day for proceeding to election:
5. That the voting paper is forged or falsified:

And the returning officer, his deputy or assessor, or any officer having by law or custom power to decide objections in respect of votes tendered by voters attending the poll in person, shall have power to put questions to the person tendering such voting paper, and to reject, receive, and record, or receive and record as objected to or protested against, any votes tendered by voting papers: provided, that in case the objection offered to any voting paper shall be that it is forged or falsified, such returning or other officer shall receive and record such voting paper, having previously written upon it, "objected to as forged," or "objected to as falsified," together with the name of the person making such objection.

These provisions with regard to voting papers objected to at the time of election differ in several respects from those which now regulate the manner of proceeding in the analogous case of a vote tendered in person by an elector for a borough generally; for any person is entitled to vote at an election for an ordinary borough, whose name is on the register of electors for that borough for the year, and his qualification cannot be

questioned at the time of polling (6 & 7 Vict. c. 18, s. 79.) Nor, indeed, is any inquiry whatever allowed to be made at the time of polling relative to the right of any person to vote, except only as follows:—that the returning officer shall (if required on behalf of any candidate), put to the voter at the time of tendering his vote, and not afterwards, two questions—the object of the one being to ascertain the identity of the proposed voter with the registered person, in respect of whose qualification he proposes to vote; and of the other, that the proposed voter has not already voted at that election. Upon these matters he may also be put to his oath; but unless he refuses to be sworn, or it appears by his answer to one or other of the above questions that he is disqualified, his vote must be recorded. It will be observed that under the provision of the present Act the returning officer is not empowered to administer any oath to the person tendering the voting paper, but is himself entrusted with the office of rejecting or receiving any vote so tendered. Any person, however (by s. 5), returning a wilfully false answer is made liable to a year's imprisonment: punishment which is considerably less severe than may be inflicted for perjury—namely, imprisonment for a long term with *hard labour*, and, indeed, penal servitude itself. (See 2 Geo. 2, c. 25, s. 2; 16 & 17 Vict. c. 99; 20 & 21 Vict. c. 3.)

4. *Voting papers to be filed.*] All voting papers received and recorded at such election, as well as any voting papers rejected for informality or on any other ground, shall be filed and kept by the officer entrusted with the care of the poll books or other documents relating to the said election; and any person shall be allowed to examine such voting papers at all reasonable times, and to take copies thereof, upon payment of a fee of one shilling.

5. *Penalty for falsely signing voting papers.*] Any person falsely or fraudulently signing any voting paper in the name of any other person, either as a voter or as a witness, whether such other person shall be living or dead, and every person signing, subscribing, endorsing, attesting, certifying, tendering, or transmitting as genuine any false or falsified voting paper, knowing the same to be false or falsified, and any person falsely making any such declaration as aforesaid, or such declaration as is contained in the schedule, or with fraudulent intent altering, defacing, destroying, withholding, or abstracting any voting paper, and any person wilfully making a false answer to any question put to him by the returning or other officer as hereinbefore provided, shall be guilty of a misdemeanour, and punishable by fine, or imprisonment for a term not exceeding one year.

6. *Voting papers not liable to stamp duty.*] No such voting paper as hereinbefore mentioned shall be liable to any stamp duty.

SCHEDULE.

UNIVERSITY ELECTION, 18.

I, A. B. [the Christian and surnames of the elector in full, his college or hall, if any, and his degree or academical rank or office, if any, to be here inserted], do hereby declare, that I have signed no other voting paper at this election, and do hereby give my vote at this election for —

And I nominate —

C.D.

E.F.

G.H.

or one of them, to deliver this voting paper at the poll.

Witness my hand this — day of —, 18.

(Signed) A. B. of [the elector's place of residence to be here inserted].

Signed in my presence by the said A. B., who is personally known to me, on the above mentioned — day of — 18 —, the name [or names] of — as the candidate [or candidates] voted for having been previously filled in.

(Signed) Z. M. of [the witness's place of residence to be here inserted].

a justice of the peace for —.

CAP. LIV.

An Act to confirm certain Appointments in India, and to amend the Law concerning the Civil Service there.

[1st August 1861.

33 Geo. 3, c. 52.] WHEREAS by section fifty-six of an Act of the thirty-third year of King George the Third, chapter fifty-

two, it was enacted that all the civil servants of the East India Company in India under the rank or degree of members of council should have and be entitled to precedence in the service of the said company at their respective stations according to their seniority of appointment, and that no such civil servant should be capable of being advanced or promoted to any higher station, rank, or degree, therein than he should be entitled to according to the length of his service; and by section fifty-seven of the same Act it was enacted that all vacancies happening in any of the offices, places, or employments in the civil line of the company's service in India (being under the degree of counsellor) should be from time to time filled up and supplied from amongst the civil servants of the said company belonging to the presidency wherein such vacancies should respectively happen: and whereas by reason of the exigencies of the public service vacancies in certain offices, places, and employments in India have been filled up by the appointment of persons not being civil servants, or not being civil servants belonging to the presidency wherein the vacancies have happened, and otherwise not in accordance with the provisions of the said enactments, and it is expedient that such appointments should be rendered valid, and also that the authorities in India should be empowered to make such appointments in like cases in future: be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Appointments not in accordance with 33 Geo. 3. c. 52. valid.* All appointments made by the authorities in India to any such offices, places, or employments shall be and be deemed to have been valid and effectual as if the Act hereinbefore recited or referred to had not been passed.

2. *Vacancies in offices to be supplied by covenanted civil servants.* All vacancies happening in any of the offices, places, or employments specified in the schedule annexed to this Act and all such offices which may be created hereafter, shall be filled up and supplied, except as hereinafter provided, from amongst the covenanted civil servants of the crown in India.

3. *Persons not covenanted civil servants may, under special circumstances, be appointed to such offices, subject to certain restrictions.* Where it appears to the authority in India by whom an appointment should be made to any office, place, or employment specified in the said schedule, that such appointment, under the special circumstances of the case, should be made without regard to the recited qualifications, conditions, and restrictions of the said Act, it shall be lawful for such authority to make such appointment accordingly: provided that no person shall be so appointed who has not resided for at least seven years in India, and that every person previously to his being so appointed to any of the offices in the revenue and judicial departments specified in the said schedule shall pass an examination in the vernacular language of the district in which he is to be employed, where such examination is now required, and shall be subject to all the departmental tests and other qualifications and restrictions which are or may be imposed in the like case on covenanted civil servants.

4. *Such appointment in each case to be reported to the Secretary of State.* Every such appointment shall be provisional only, and shall forthwith be reported to the Secretary of State in Council of India, together with the special reasons for making the same; unless the Secretary of State in Council shall approve such appointment, with the concurrence of a majority of members present at a meeting, and shall within twelve months from the date of such appointment notify such approval to the authority by whom the appointment was made, then such appointment shall be cancelled.

5. *Certain offices may be filled up without regard to restrictions prescribed by recited Act.* All vacancies happening in any other offices, places, or employments than those mentioned in the said schedule, and all other offices than those so mentioned that may hereafter be created in India, may be filled up and supplied without regard to the qualifications, conditions, and restrictions prescribed by the said Act.

6. *Act not to apply to office of lieutenant-governor, &c.* Provided always, that this Act shall not apply to the office of lieutenant governor of any part of her Majesty's dominions in India, or to any offices for the supply of which provision may be made by any other Act of the present session of Parliament.

This has reference to cap. 104 of the present session, an Act

for establishing High Courts of Judicature in India, the judges of which are to be in part composed of English barristers.

7. *So much of 33 Geo. 3. c. 52. as requires seniority, &c., for appointments repealed.* Section fifty-six of the said Act of the thirty-third year of King George the Third, and so much of the other sections of the said Act and of any other Act now in force, as requires seniority as a condition or qualification for the appointment of civil servants to offices, places, or employments, shall be repealed.

SCHEDULE.

Secretaries, junior secretaries, and under secretaries to the several governments in India, except the secretaries, junior secretaries, and under secretaries in the military, marine, and public works departments.

Accountant-General.

Civil auditor.

Sub-treasurer.

Judicial.

1. Civil and session judges or chief judicial officers of districts in the provinces now known as regulation provinces.

2. Additional and assistant judges in the said provinces.

3. Magistrates or chief magisterial officers of districts in the said provinces.

4. Joint magistrates in the said provinces.

5. Assistant magistrates or assistants to magistrates in the said provinces.

Revenue.

1. Members of the board of revenue in the presidencies of Bengal and Madras.

2. Secretaries to the said boards of revenue.

3. Commissioners of revenue or chief revenue officers of divisions in the provinces now known as regulation provinces.

4. Collectors of revenue or chief revenue officers of districts in the said provinces.

5. Deputy or subordinate collectors where combined with the office of joint magistrate in the said provinces.

6. Assistant collectors or assistants to collectors in the said provinces.

7. Salt agents.

8. Controller of salt chowkies.

9. Commissioners of customs, salt, and opium.

10. Opium agents.

CAP. LV.

An Act to amend the Laws regarding the Removal of the Poor and the Contributions of Parishes to the Common Fund in Unions. [1st August 1861.

WHEREAS it is desirable that the laws for the removal of the poor should be amended: be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *So much of sect. 1. of 9 & 10 Vict. c. 66. as prescribes a residence of five years to be altered to three years, &c.* That after the twenty-fifth day of March next the period of three years shall be substituted for that of five years specified in the first section of the statute ninth and tenth Victoria, chapter sixty-six, and the residence of a person in any part of a union shall have the same effect in reference to the provisions of the said section as a residence in any parish.

The effect of that part of 9 & 10 Vict. c. 66, s. 1, which relates to this subject was to make a person irremovable from any parish in which he shall have resided for five years—i.e., five years without interruption—next before the application for a warrant for his removal.

2. *Provision for orphan children under 16 years of age.* Where a child under the age of sixteen years, residing with its surviving parent, shall be left an orphan, and such person shall at the time of death have acquired an exemption from removal by reason of a continued residence, such orphan shall, if not otherwise irremovable, be exempt from removal in like manner and to the same extent as if it had then acquired for itself an exemption from removal by residence.

This is an extension of 9 & 10 Vict. c. 66, s. 3, which protected the child only (whether legitimate or not) from being removed while residing with a parent who was irremovable.

3. Provision for deserted wives.] Where a married woman shall have been or shall be deserted by her husband, and shall after his desertion reside for three years in such a manner as would, if she were a widow, render her exempt from removal, she shall not be liable to be removed from the parish wherein she shall be resident, unless her husband return to cohabit with her.

It will be observed that under this provision a married woman may now acquire an exemption from removal, though she is still unable to acquire a *settlement* in her own right.

4. Chargeability of wayfarers.] Where any destitute wayfarer, wanderer, or foundling shall be or become chargeable upon the common fund of any union, the cost of the relief of such wayfarer, wanderer, or foundling shall continue to be charged to such common fund until the relief shall be discontinued.

See 11 & 12 Vict. c. 110, ss. 1, 3, 10; 12 & 13 Vict. c. 103, s. 2.

5. Chargeability of sick persons.] When any person shall be or become chargeable upon the common fund of a union, by reason of some accident or sickness which will not produce permanent disability, the chargeability upon such fund shall cease when the person shall be cured, and thenceforth, if the relief continue, the cost thereof shall be charged to the parish where the poor person shall be then residing unless he shall be in the workhouse of the union, and in such case it shall be charged to the parish wherein he was residing when he was removed to such workhouse, and the overseers of the parish so charged may apply for and obtain an order of removal.

6. Lunatics to be chargeable upon the common fund.] The cost of the examination of any lunatic pauper, present or future, of his removal to and from, and his maintenance in, any asylum, licensed house, or registered hospital, who would under any provision of the sixteenth and seventeenth Victoria, chapter ninety-seven, be chargeable to a parish in a union, shall, from and after the twenty-fifth day of March next, be borne by the common fund of the union comprising such parish.

Prior to this provision such expenses primarily fell on the parish from which he was sent, and then on that in which he was ascertained to have a *settlement*; failing this, then on the county (or if found in a borough not contributing to the county expenditure), then on the borough. (See 16 & 17 Vict. c. 97, ss. 95—98; 18 & 19 Vict. c. 105, s. 14.)

7. Orders in lunacy may be obtained by or appealed against by boards of guardians. Provision for pending appeals.] The guardians of any union may obtain orders upon the guardians of any other union, or upon the guardians or overseers of any parish not comprised in a union, or upon the treasurer of the county, and may appeal against or defend any orders in respect of any lunatic paupers hereby made chargeable upon the common fund of the union, in like manner and subject to the same incidents and provisions as are contained in the said last cited Act, in respect of lunatic paupers chargeable to any parish in such union: provided that every appeal now pending may be continued and determined as though this Act had not been passed.

8. Chargeability of union paupers on common fund made perpetual.] The temporary provisions of the several statutes whereby the costs of the relief, burial, and maintenance of certain paupers have been made chargeable upon the common fund of unions until the end of this session of Parliament are hereby made perpetual.

That is to say, 11 & 12 Vict. c. 110, continued by 22 Vict. c. 29.

9. Parishes comprised in any union formed under 4 & 5 Will. 4, c. 76, to contribute to common fund according to the annual value of rateable property. Provision as to liabilities. Provision for contributions in arrear.] And whereas it is also expedient to alter the mode in which the contributions of parishes to the common fund of the union in which they are comprised are now calculated: be it therefore enacted, that after the twenty-fifth day of March next, the several parishes comprised in any union already formed or hereafter to be formed under the provisions of the fourth and fifth William the Fourth, chapter seventy-six, shall contribute to the common fund thereof, in

proportion to the annual rateable value of the lands, tenements, and hereditaments in such parishes respectively assessable by the laws in force for the time being to the relief of the poor, and in no other manner, whether the lands, tenements, and hereditaments shall be actually rated or not, and whether the rate levied shall be collected in full or upon any composition: provided always, that nothing herein contained shall alter or affect the liability of any parish comprised in any such union in regard to any charge lawfully created in the said union, and secured upon the poor rates of all or any of the parishes comprised therein, which shall have been created at any time previous to the said twenty-fifth day of March; but the same shall continue to be charged and payable in like manner as it would by law have been charged and payable if this Act had not been passed; provided also, that nothing herein contained shall apply to any contribution which shall be in arrear from any parish in such union on the said twenty-fifth day of March, but the same shall be recoverable and shall be applicable in the same manner as if this Act had not been passed.

The previous provisions upon this subject are contained in 11 & 12 Vict. c. 110. See, also, 2 & 3 Vict. c. 84, as to the manner of recovering from each of the united parishes its contribution to the common fund.

10. Mode of ascertaining the annual rateable value.] The guardians of every such union, in computing the amount of contribution to the common fund from the several parishes, shall take the annual rateable value of such property in every parish therein from the valuation upon which such parish was assessed to the county rate, or, where there is no county rate to the borough or ward rate, or other rate in the nature of a county rate, in the last assessment made not less than one month next preceding the day when the order for such contribution is made.

11. No order for contribution to be deemed void by reason of error in the calculation.] No order of guardians for contribution purporting to be made in accordance with this Act shall be deemed to be void by reason of any error in the estimate of the rateable value of the property in any parish in the union upon which the contribution shall have been calculated; but every parish affected by such error shall be entitled to have the same set right in the making out and closing of the accounts of the union or at the audit thereof.

12. Interpretation of terms, and consolidation of the Acts.] The words used in this Act shall be construed in the like manner as in the said Act of King William the Fourth; and the provisions contained therein and in the subsequent Acts explaining and extending the same, and not repealed, shall, so far as they shall be consistent therewith, be extended to this Act.

CAP. LVI.

An Act to make Provision for Salaries for the Revising Barristers for the City of Dublin.

[1st August, 1861.]

CAP. LVII.

An Act to continue an Act of the Fifth and Sixth Years of Her Majesty relating to private Lunatic Asylums in Ireland.

[1st August, 1861.]

CAP. LVIII.

An Act to continue an Act of the Eleventh and Twelfth Years of Her Majesty relating to the Collection of County Cess in Ireland.

[1st August, 1861.]

CAP. LIX.

An Act to facilitate Proceedings before Justices under the Acts relating to Vaccination.

[1st August, 1861.]

WHEREAS it is expedient to make further provisions in relation to proceedings before justices under the following Acts; that is to say,—

3 & 4 Vict. c. 29.] An Act passed in the session held in the third and fourth years of the reign of her present Majesty, chapter twenty-nine, intituled "An Act to extend the Practice of Vaccination."

4 & 5 Vict. c. 32.] An Act passed in the session held in the fourth and fifth years of the reign of her present Majesty, chapter thirty-two, intituled "An Act to amend an Act to extend the Practice of Vaccination."

16 & 17 Vict. c. 100.] An Act passed in the session holden in the sixteenth and seventeenth years of the reign of her present Majesty, chapter one hundred, intituled "An Act further to extend and make compulsory the Practice of Vaccination."

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:*

1. *Short Title.*] This Act may be cited for all purposes as "The Vaccination Acts Amendment Act, 1861."

2. *As to institution of legal proceedings and payment of expenses of the same.*] The guardians of any union or parish, or the overseers of any parish where the relief to the poor is not administered by guardians, may appoint some person to institute and conduct proceedings for the purpose of enforcing obedience to the said Acts or any of them within their union or parish; and as to all expenses incurred by any person so appointed, or by any registrar of births and deaths, or by any medical officer of health appointed under an Act of Parliament, in proceedings for enforcing penalties under the said Acts or any of them, if the justices or court before whom such proceedings are had, certify that such expenses ought to be allowed, such court or justices shall ascertain the amount thereof, and such amount shall be payable out of the rates for the relief of the poor of the parish where the person for the time being dwells in respect of whose default or offence the same were instituted; and the court or justices shall ascertain the amount of such expenses. And proceedings for enforcing penalties under any of the said Acts, on account of neglect to have a child vaccinated, may be taken at any time during which the parent or guardian is in default.

The object of this last clause appears to be to prevent proceedings in some cases being met by the defence that the offence was committed within the four months after birth, the period during which the 16 & 17 Vict. c. 100 requires the child to be vaccinated; and that since such date, more than two years (the time of limitation for the commencement of a penal action prescribed by 31 Eliz. c. 5) has elapsed.

CAP. LX.

An Act to amend the Act of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Sixty-nine, so far as relates to the Time thereby limited for the Publication of the Lists of Voters objected to in Ireland.

[1st August, 1861.]

CAP. LXI.

An Act to amend the Local Government Act.

[1st August, 1861.]

WHEREAS it is expedient to amend "The Local Government Act, 1858," be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Provision as to costs of proceedings with a view to adopting the Local Government Act, when that Act is not adopted.*] Ratepayers or owners making a requisition for the summoning of meetings for the purpose of deciding as to the adoption of "The Local Government Act, 1858," shall, if required, give security in a bond, with two sufficient sureties, for repayment to the summoning officer, in the event of the Act not being adopted, of the costs incurred in relation to such meetings or polls taken in pursuance of any demand made at such meetings, the amount of the security to be given by such sureties, and their sufficiency, and the amount of such costs, to be settled by agreement between the summoning officer and such ratepayers or owners, or in the event of disagreement between them by any justice of the peace acting in and for the place in which it is proposed that the said Act shall be adopted.

* There was a provision upon this subject contained in the Public Health Act of 1858 (21 & 22 Vict. c. 97, s. 8), repealed by 22 & 23 Vict. c. 3, in the following year. In this the expenses of the proceedings were directed to fall on the *common fund* in case of a union.

2. *Every local authority invested with powers of town government may adopt any part of Local Government Act. Provision for election of such local authorities when elected for life at the time of adopting Local Government Act.*] The power of adopting any part of "The Local Government Act, 1858," given by the fifteenth section of that Act to any corporation or body of commissioners exercising powers for sanitary regulation under the provisions of any local act, shall extend to every local authority invested with powers of town government and rating by any local Act, by whatever name such local authority is called, and the words "local board" or "board of commissioners" as used in the said Local Government Act shall apply to such local authority: provided always, that whenever the members of such local authority are elected for life they shall adopt, in lieu of the provisions for elections contained in the Local Act, the provisions for and in relation to elections prescribed by "The Public Health Act, 1848," and "The Local Government Act, 1858" and within one month of such adoption one-third of the members of such local authority shall retire, the order of retirement to be fixed by the local authority, and the election of members in lieu of such retiring members shall be governed in all respects by the said "Public Health Act, 1848," and "Local Government Act, 1858," and be conducted by the chairman of the local authority: provided also, that such adoption shall not affect the qualification fixed for members of such local authority by the local Act under which it is constituted, or the qualification and tenure of office of *ex-officio* members of such local authority.

3. *Accounts of improvement commissioners acquiring powers under Local Government Act to be subject to the provisions of that Act relating to audit.*] When any Board of Improvement Commissioners acquires powers of rating or borrowing money under the fifteenth section of the "Local Government Act, 1858," the provisions in relation as to audit of that Act, or of any Act amending that Act, shall be in force in the case of such commissioners, as if such provisions were contained in the local Act under which they are constituted; and when the provisions as to audit of such local Act are repugnant to or inconsistent with those of the Local Government Act, or any Act amending that Act, then the audit shall be conducted under the provisions of the last-mentioned Act.

4. *Local board may exercise powers of sect. 45 of 11 & 12 Vict. c. 63, also without their district, if necessary, for purposes of outfall or distribution of sewage, on making compensation.*] Local boards may exercise the powers given by the forty-fifth section of "The Public Health Act, 1848," also without their district, for the purpose of outfall or distribution of sewage, upon making due compensation, to be settled in the manner provided in the one hundred and forty-fourth section of "The Public Health Act, 1848": provided always, that nothing herein contained shall give or be construed to give power to any local board to construct or use any outfall drain or sewer for the purpose of conveying sewage or filthy water into any natural watercourse or stream until such sewage or filthy or refuse water be freed from all excrementitious or other foul or noxious matter, such as would affect or deteriorate the purity and quality of the water in such stream or watercourse.

5. *Previous notices of the intended works before commencement.*] Provided also, that no sewer or other work shall be constructed or extended, under the enactment lastly hereinbefore contained, unless three months at the least before the commencement of such work notice of the intended work, describing the nature thereof, and stating the intended termini thereof, and the names of the parishes, townships, and places and the turnpike roads and streets, or places laid out or intended for streets, and other lands, if any, through, across, or under which the work is to be made, and naming a place where a plan of the intended work is open for inspection at all reasonable hours, shall be given by advertisement in one or more of the newspapers usually circulated in the place where the work is to be made, and a written or printed copy of such notice shall be served in manner directed by "The Public Health Act, 1848," on the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, and on the overseers of such parishes, townships, or places, and the trustees, surveyors of highways, or others, having the care of such roads or streets.

6. *If objection be made by any party interested, the work not to be proceeded with without sanction of Secretary of State.*] In case any of such owners, lessees, or occupiers, or such overseers, trustees, surveyors, or others as aforesaid, or any other owner, lessee, or occupier who would be affected by the proposed work

object to such work, and serve notice in writing of such objection on the local board at any time within the said three months, the proposed work shall not be made or commenced without the sanction of one of her Majesty's principal secretaries of state, after such inquiry and report as hereinafter mentioned (unless such objection be withdrawn).

7. *An inspector to be appointed to make inquiry on the spot and report to the Secretary of State.]* It shall be lawful for the Secretary of State, upon application of any local board, to appoint an inspector to make inquiry on the spot into the property of any work such as aforesaid, and into the objections thereto and to hold one or more meeting or meetings for the purpose of hearing all persons desirous of being heard before him on the subject of such inquiry, and to report to such Secretary of State upon the matters with respect to which such inquiry was directed.

8. *Yearly sum to be paid for premises without district drained into sewer within district.]* Where already or hereafter any premises not being within the limits of the district of the local board have a drain communicating, directly or indirectly, with a sewer within the district, and maintained by the local board, and any sewage from the premises flows into the sewer, there shall (except in cases where the owner is entitled so use such sewer without making any payment) be paid to the local board in respect thereof such a yearly sum as is agreed on between them and the owner of the premises, or, failing agreement between them, as on the application of the local board is determined by two justices; and the yearly sum so agreed on or determined shall be private improvement expenses, and shall be charged on the premises, and be paid and recoverable accordingly, as if the premises were within the district: provided that the yearly sum so charged shall cease to be payable if and when the connexion between the drain from the premises and the sewer is discontinued, so that a proportionate part thereof up to the time of the discontinuance shall alone be payable; but if after the discontinuance the connexion be re-established the yearly sum shall again become payable, and so from time to time.

9. *Provision for repair of highways in parts of parishes or townships not included in districts under Local Government Act as herein stated.]* The sub-division numbered (4.) in the thirty-seventh section of the said Local Government Act, 1858, shall be and the same is hereby repealed; and in lieu thereof be it enacted as follows:

(1.) Where part of a township, or place not comprised within any district in which the said "Local Government Act, 1858," is in force, and which part is herein after referred to as "the excluded part," was, before the said Act came into force in such district, liable to contribute to the highway rates for such township or place, such excluded part shall for all purposes connected with the repairs of highways and the payment of highway rates, be considered to be and be treated as if forming part of such district:

(2.) It shall be lawful for a meeting of ratepayers of the excluded part (to be convened and conducted in the manner prescribed by the thirteenth section of the said "Local Government Act, 1858," with respect to districts, not being corporate boroughs or towns, under the jurisdiction of improvement commissioners) to decide that such excluded part shall be formed into a separate highway district, and thereupon the excluded part shall for all purposes connected with highways, surveyors of highways and highway rates, be considered and treated as a township maintaining its own highways:

(3.) The requisition for holding such meeting as last mentioned shall, in any excluded part where the said "Local Government Act, 1858," has been in force before the passing of this Act, be presented within six calendar months after the passing of this Act, and in all other cases within six calendar months after the adoption of the said "Local Government Act, 1858"; but nothing in this section before contained shall apply to districts constituted under the "Public Health Act, 1848," including a part only of any parish, township, or place which before the constitution of such district maintained its own highways.

10. *Enabling local boards to act instead of inhabitants in vestry of townships in their districts in all matters arising under the provisions of 5 & 6 Will. 4, c. 50.]* All the powers, authorities, and discretion which in and by the Act of the fifth and sixth years of the reign of King William the Fourth, chapter fifty, are vested in and given to the inhabitants in vestry assembled of any parish, township, or place, shall, within the districts where the Local Government Act is in force, be vested

in and exercisable by the local boards, or commissioners exercising the powers of such local boards, under the provisions of this Act and of "The Public Health Act, 1848," and of "The Local Government Act, 1858;" and all acts or consents already done or given or purporting to be so done or given by such local boards, under and by virtue of the said Act of the fifth and sixth years of William the Fourth, chapter fifty, acting or assuming to act in lieu of the inhabitants in vestry assembled of any parish, township, or place within the district of the local board, shall operate and be as valid and effectual as if the same had been done and given or executed by such inhabitants in vestry.

11. *Service of notices and repayment of costs under sects. 69, 70, 71, 73, and 74 of 10 & 11 Vict. c. 34.]* In districts where the "Local Government Act, 1858," is in force, notices for alterations under the sixty-ninth, seventieth, and seventy-first sections, directions under the seventy-third section, and orders under the seventy-fourth section of the "Towns Improvement Clauses Act, 1847," may, at the option of the local board, be served upon owners instead of occupiers, or upon owners as well as occupiers, and the cost of works done under any of these sections may, when notices have been so served upon owners, be recovered from owners instead of occupiers, and when such cost is recovered from occupiers they shall be entitled to make the same deduction from the rents payable for the premises where the work is done in respect of such cost as they are entitled to make in respect of private improvement rates by the "Public Health Act, 1848."

12. *Special district rates leviable over same area as general district rates may be levied as part, and under the name, of such rates.]* Where in any district special district rates are levied over the same area as general district rates, the local board may make and levy such special district rates as part, and under the name, of general district rates: provided always, that the levying of such rates by the means aforesaid shall in no way prejudicially affect any mortgages now or hereafter to be made upon such special district rates.

13. *Debts due on special district rates may, with the sanction of the Secretary of State, and of mortgagees, and of owners and ratepayers, be repaid, and money raised for such repayment on credit of general district rate.]* Where any local board of health have incurred expenses in or about any works of a permanent nature, and have made and levied a special district rate upon or in respect of the premises situate in part of their district, and have borrowed and taken up at interest on the credit of the said special district rate any sums of money necessary for defraying such expenses, it shall be lawful for such local board, with the sanction of one of her Majesty's principal secretaries of state, and with the consent of all persons having advanced money on the security of the said special district rate, and with the consent of the owners and ratepayers of the district, to be expressed by resolution in the manner herein provided with respect to resolutions for the adoption of the said Local Government Act, to pay off and discharge the sums so borrowed and taken up at interest on the credit of the said special district rate, or such part thereof as shall then remain due, and to re-borrow and take up at interest on the credit of the general district rates of the said local board any sums of money which shall have been so paid off and discharged, and for the purpose of securing the repayment of any sums so borrowed, together with interest thereon, the local board may mortgage the said general district rates to the persons by or on behalf of whom such sums are advanced, subject to the regulations prescribed by the fifty-seventh section of the Local Government Act, 1858.

14. *The sanction of the Secretary of State substituted for the sanction of the General Board of Health, which has ceased to exist.]* In all cases in which prior to the passing of "The Local Government Act" all or any of the powers or provisions of "The Public Health Act, 1848," relative to the borrowing of money or the mortgage of rates, are repeated in any local Act of Parliament, or in which it is declared in and by such local Act that the same shall be read and construed as if all or any of such powers and provisions had been repeated therein, so as to confer thereunder upon any such local board of health or board of improvement commissioners powers corresponding with all or any of the borrowing or mortgaging powers contained in "The Public Health Act, 1848," and where the sanction, consent, direction, or approval of the General Board of Health is rendered requisite in or by any such local Act to the due exercise of any of the powers vested thereby in any, local board of health or board of improvement commissioners

such powers or any of them shall and may be henceforth exercised with and under the sanction, consent, direction, and approval of one of her Majesty's principal secretaries of state, in lieu of the sanction, consent, direction, and approval of the General Board of Health aforesaid, and not otherwise.

15. *Making up accounts for audit.*] Seven clear days at least before the day fixed for the audit of accounts of any local board, the local board shall cause their rate books and other accounts to be made up and balanced, and the books and accounts so made up and balanced shall forthwith be deposited at the office of the said local board for the inspection of owners and ratepayers, and the notice of audit shall include a notice of such deposit of accounts; and any officer of a local board duly appointed in that behalf neglecting to make up such books and accounts, or altering such books and accounts, or allowing them to be altered when so made up, or refusing to allow inspection thereof, shall be liable on conviction thereof to forfeit forty shillings; and it shall be lawful for any ratepayer or owner of property in the district to be present at the audit of the accounts of the local board, and to make any objection to such accounts before the auditor; and such ratepayers and owners shall have the same right of appeal against allowances by an auditor, as they have by law against disallowances.

16. *Before giving notice for paving, &c., of streets, not being highways, plans and sections to be deposited with local board.*] Before giving the notice mentioned in the sixty-ninth section of "The Public Health Act, 1848," the local board shall cause plans and sections of the works intended to be executed under that section and the thirty-eighth section of "The Local Government Act, 1858," to be made, under the direction of their surveyor, on a scale of not less than one inch for eighty-eight feet for horizontal plan, and on a scale of not less than one inch for ten feet for a vertical section, and, in the case of a sewer, showing the depth of such sewer below the surface of the ground; and such plans and sections shall be deposited in the office of the local board, and shall be open at all reasonable hours for the inspection of all persons interested therein during the period for which such notice is required to be given, and a reference to such plans and sections in such notice shall be held sufficient without requiring any copy of such plans and sections to be annexed to such notice.

17. *Form of notice.*] The form of notice in the schedule A. to this Act annexed, or to the like effect, may be used for any of the purposes of the sixty-ninth section of "The Public Health Act, 1848," and of the thirty-eighth section of "The Local Government Act, 1858," and of this Act, for which such form is applicable, and such form shall accordingly, to all intents, be deemed sufficient for such purposes.

18. *Interpretation of "Special Act" in construing 8 & 9 Vict. c. 18, as to provisional orders.*] In the construction of "The Lands Clauses Consolidation Act, 1845," for the purposes of any provisional order under "The Local Government Act, 1858," conferring powers for the taking of land otherwise than by agreement, the term "special Act" shall mean the Act confirming such order, and "the date of the passing of the special Act" shall mean the date of the passing of the Act confirming such order.

19. *Extension of powers given by sect. 78 of 21 & 22 Vict. c. 104, to cases in which local board incur expenses for permanent works, &c.*] The powers granted by the seventy-eighth section of "The Local Government Act, 1858," may be exercised in any case where any local board or board of improvement commissioners exercising the borrowing powers of "The Public Health Act, 1848," or "The Local Government Act, 1858," or of any local Act, has contributed to, purchased, or executed any permanent works, or proposes to contribute to, purchase, or execute such works, at a cost exceeding or estimated to exceed one year's assessable value of the premises assessable within the district in respect of which the money for such works may be borrowed.

20. *Local boards may make agreements for terms of water supply in certain cases.*] In districts where no water companies are established by Act of Parliament all local boards may make agreements for the supply of water to persons on such terms as may be agreed upon between the local board and the persons receiving such supply, and shall have the same powers for recovering water rents accruing under such agreements as they have for the recovery of water rates by the law in force for the time being.

21. *Local boards of health may repair fences surrounding burial grounds.*] All local boards of health constituted burial boards may from time to time repair and uphold the fences surrounding any burial ground which shall have been discontinued as such within their jurisdiction, or take down such fences and substitute others in lieu thereof, and shall from time to time take the necessary steps for preventing the deterioration of such burial grounds, and placing them in a proper sanitary condition; and where such burial boards are a local board of health, they may from time to time pass bye-laws for the preservation and regulation of all burial grounds within their limits, and the expense of carrying this section into execution may be defrayed out of any rates authorized to be levied by any local board constituted a burial board.

22. *Powers of local boards with respect to land purchased under 21 & 22 Vict. c. 104.*] Local boards shall have the same powers with regard to any lands purchased by them under or for the purposes of "The Local Government Act, 1858," or any Act incorporated therewith, which they now have with regard to lands purchased for the purpose of making or enlarging streets under the powers of the said Act.

23. *Provision for recovery of charges for private improvements.*] The expenses which have been incurred by any local board of health as and for private improvement expenses under the "Public Health Act, 1848," as also the expenses stated in the sixty-second section of "The Local Government Act, 1858," to be a charge on the premises, with interest after the rate of five per cent per annum, may, by order of the local board of health, be declared payable by annual instalments, with interest after the rate aforesaid, during a period not exceeding thirty years, until the whole amount be paid; and any such instalments and interest, or any part thereof, may be recovered from the owner or occupier of such premises in the same manner as general district rates, and may be deducted from the rent of such premises in the same proportions as are allowed in the case of private improvement rates under the ninety-first section of "The Public Health Act, 1848."

24. *Demands below £20 may be recovered in county courts.*] Proceedings for the recovery of demands below twenty pounds, which local boards are now empowered by law to recover in a summary manner, may, at the option of the local board, be taken in the county court as if such demands were debts within the cognizance of such courts.

25. *Local board may make bye-laws for licensing, &c., horses, boats, &c., for hire.*] The local board may make bye-laws for licensing and regulating horses, ponies, mules, or asses standing in the district, and for prescribing and regulating the stands, and fixing the rates of hire, and ordering the conduct of the drivers or attendants thereof, and also for licensing, regulating, and fixing the rates of hire of pleasure boats or vessels, and the persons in charge of the same.

26. *Sect. 69 of 5 & 6 Will. 4, c. 50, to apply to encroachments on highways managed by local authority.*] Where a board of improvement commissioners, or other local authority, exercising any of the powers of "The Local Government Act, 1858," maintains and repairs the highways within the area of its jurisdiction, the sixty-ninth section of the Act of the fifth and sixth William the Fourth, chapter fifty, shall be held to apply to all encroachments on such highways.

27. *Repayment of costs by provisional orders.*] The provision for the repayment of costs, charges, and expenses incurred by the Secretary of State in relation to any provisional order under the seventy-fifth section of "The Local Government Act, 1858," shall extend to all provisional orders under the said Act.

28. *No house to be brought forward without consent of less board.*] It shall not be lawful at any time or times hereafter within the district of any local board, to bring forward any house or building forming part of any street, or any part thereof, beyond the front wall of the house or building on either side thereof, nor to build any addition thereto beyond the front of such house or building on either side of the same aforesaid, without the previous consent of such local board.

29. *Application of general Acts to local boards of health.*] And whereas doubts exist whether local boards of health, constituted under or by virtue of local Acts, are affected by the provisions of "The Local Government Act, 1858," or by the provisions of "The Nuisances Removal Act for England, 1855," and "The Diseases Prevention Act, 1855," and it is desirable to remove such doubts: be it therefore enacted, that

all the provisions of "The Local Government Act, 1858," as amended by this Act, and of "The Nuisances Removal Act for England, 1855," and "The Diseases Prevention Act, 1855," as amended by the "Act to amend the Acts for the Removal of Nuisances and Prevention of Diseases," which Acts are hereinafter designated the General Acts, shall extend and apply to all local boards of health constituted under or by virtue of local Acts, with and subject to the two following qualifications: (that is to say)

- (1.) Provisions of the General Act opposed to or restrictive of the provisions (whether adopted or original) of any such local Act shall be of no force in the district for which the local Act was passed:
- (2.) Wherever the general Acts and a local Act contain provisions for effecting the same or a similar object, but in different modes, the local board of health may proceed under the general Acts or the local Act:

And every future Act for amending or repealing any of the general Acts aforesaid shall, subject to the aforesaid qualifications, also extend and apply to every such local board of health.

30. *Incorporation and construction of Acts.*] This Act shall be deemed to be incorporated with the "Local Government Act, 1858," and shall be read as if this Act and the said Local Government Act were one Act.

31. *Short Title.*] In citing this Act it shall be sufficient to use the words and figures "Local Government Act (1858) Amendment Act, 1861."

SCHEDULE.

Local Board of Health for _____. The ____ of ____ in the county ____ of ____ to ____ the owner of certain premises fronting, adjoining, or abutting upon a certain street called ____, within the said [borough or district, as the case may be].

Whereas the said street is not sewered, levelled, paved, flagged, and channelled to the satisfaction of the above-named Local Board of Health; and whereas your said premises front, adjoin, or abut on certain parts of the said street which require to be sewered, levelled, paved, flagged, and channelled; now therefore the said Local Board of Health hereby give you notice (in pursuance of the statute in that case made and provided) to sewer, level, pave, flag, and channel the same within the space of [state the time] from the date hereof, in manner following: (that is to say) the sewers to be laid or made [here describe the mode to be adopted and material to be used], of the sizes and forms, and at the rate or rates of inclination, shown on the plans and sections of the works as prepared by the surveyor of the local board.

Each gully for surface draining, and its connection with the sewer, to be placed as shown on the said plans, and to be constructed of the forms, materials, and dimensions as shown on the said plans.

A foundation for the carriageway and footway in the said street to be formed in the following manner [here describe the mode to be adopted and the material to be used], and the said carriageway and footway to be paved [here describe the mode to be adopted and the material to be used].

The channel stones to be [here describe the mode to be adopted and the material to be used]. The curb or sidestones to be [here describe the mode to be adopted and the material to be used].

The whole of the above-mentioned works to be executed by you in accordance with the plans and sections hereinbefore referred to, and now lying for inspection by you at the office of the local board, situate in ____ street, in ____ aforesaid, and the dimensions, widths and levels shown thereon, and to be done in a good, workmanlike, and substantial manner, to the satisfaction of the said local board of health or their surveyor.

Dated this ____ day of ____ one thousand eight hundred and ____.

Clerk to the said local board of health.

CAP. LXII.

An Act to amend the Act of the Ninth Year of King George the Third, Chapter Sixteen, for quieting Possessions and Titles against the Crown, and also certain Acts for the like Object relating to Suits by the Duke of Cornwall.

[1st August, 1861.]

WHEREAS by an Act passed in the ninth year of King

George the third, chapter sixteen,* provision is made for limiting the right of the King's Majesty to sue and implead any person for or concerning lands and hereditaments, or the rents, issues, or profits thereof, and for quieting possessions and titles against the Crown: and whereas the good purpose of that Act has not been fully obtained by reason of the provisions therein relating to lands and hereditaments which have been in charge to her Majesty or have stood insuper of record, and also by reason of certain provisions therein relating to lands and hereditaments part or parcel of honours, manors, and other hereditaments: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *The Crown not to sue after sixty years by reason of lands having been in charge, &c.]* The Queen's Majesty, her heirs and successors, shall not at any time hereafter sue, impeach, question, or implead any person or persons for or in anywise concerning any manors, lands, tenements, rents, tithes, or hereditaments whatsoever (other than liberties or franchises) which such person or persons, or his or their or any of their ancestors or predecessors, or those from, by, or under whom they do or shall claim, have, or shall have held or enjoyed or taken the rents, revenues, issues, or profits thereof by the space of sixty years next before the filing, issuing, or commencing of every such action, bill, plaint, information, commission, or other suit or proceeding as shall at any time or times hereafter be filed, issued, or commenced for recovering the same or in respect thereof, by reason only that the same manors, lands, tenements, rents, tithes, or hereditaments, or the rents, revenues, issues, or profits thereof, have or shall have been in charge to her Majesty or her predecessors or successors, or stood insuper of record within the said space of sixty years, but that such having been in charge and such standing insuper of record shall be as against such person and persons, and all claiming by, from, or under them or any of them, of no force and effect.

2. *Provisions of this Act to apply to actions by the Duke of Cornwall, and to provisions of 7 & 8 Vict. c. 105, and 23 & 24 Vict. c. 53.]* And whereas an Act was passed in the session held in the seventh and eighth years of her Majesty, chapter one hundred and five, "for quieting Titles within the County of Cornwall as against the Duchy of Cornwall, and other Purposes;" and whereas another Act was passed in the session held in the twenty-third and twenty-fourth years of her Majesty, chapter fifty-three, "for the Limitation of Actions and Suits by the Duke of Cornwall in relation to Real Property, and for other Purposes;" and whereas it is expedient that the limitation applicable to actions and suits by the Crown should be made applicable to actions and suits by the Duke of Cornwall: be it enacted, that the provisions of this Act hereinbefore contained applicable to the Queen's Majesty shall extend and be applicable to the Duke of Cornwall, and to the said two last-recited Acts in the same manner as if the Duke of Cornwall were hereinbefore mentioned or referred to where the Queen's Majesty is mentioned or referred to; and this Act shall be construed together with and be deemed to form part of the said two last-recited Acts.

* With regard to the doctrine of limitation of actions so far as relates to the recovery of real property, it may be here observed that "the Statute of Limitation" (32 Hen. 8, c. 2) which first limited real actions according to a fixed interval of antecedent time (instead of, as in earlier Acts, forbidding the claim to rest on a *seisin* earlier than a fixed *era*, which in process of time ceased to be any limitation at all), did not apply to claims by the Crown—the maxim "*Nullum tempus occurrat regi*" intervening, notwithstanding the general provisions of that Act. By 21 Jac. 1, c. 2, indeed, a time of limitation was extended to the case of the sovereign—viz., sixty years precedent to the 19th of February, 1623; but this, of course, became ultimately ineffectual by reason of the gradual efflux of time. It was, however, at length provided by the Act recited in the present statute (9 Geo. 3, c. 16), that in suits relating to land, the Crown should be bound by the lapse of sixty years; and this has hitherto been the only general provision on the topic; though with regard to the Duchy of Cornwall (which is subject to a special charter) there have been two Acts of recent date referred to in the 2nd section of the present statute.

3. Provision as to the answering of rent, &c., to the Crown.] The Queen's Majesty, her predecessors and successors, shall not be held, deemed, or taken for the purposes of the said Act of the ninth year of King George the Third, to have been answered the rents, revenues, issues, or profits of any lands, manors, tenements, rents, tithes, or hereditaments which shall have been held or enjoyed, or of which the rents, revenues, issues, or profits shall have been taken, by any other persons or person, by the space of sixty years next before the filing, issuing, or commencing of any such action, suit, bill, plaint, information, commission, or other suit or proceeding for recovering the same or in respect thereof, as in the said Act is mentioned, by reason only of the same lands, manors, tenements, rents, tithes, or hereditaments having been part or parcel of any honour or manor or other hereditaments of which the rents, revenues, issues, or profits shall have been answered to her Majesty or her predecessors or successors, or some other person under whom her Majesty hath or lawfully claimeth or shall hereafter have or lawfully claim as aforesaid, or of any honour, manor, or other hereditaments which shall have been duly in charge to her Majesty, her predecessors or successors, or stood insuper of record as aforesaid.

4. Preserving right to reversionary interests.] In the construction of the said Act of the Ninth Year of King George the Third and of this Act the right or title of the Queen's Majesty, her heirs or successors, or of the Duke of Cornwall, to any manors, lands, tenements, rents, tithes, or hereditaments which are now or shall at any time hereafter be subject to or comprised in any demise or lease for any term or terms of years, or for any life or lives, granted by or on behalf of her Majesty, or any of her royal predecessors or successors, or the Duke of Cornwall, shall not be deemed to have first accrued or grown until the expiration or determination of such demise or lease as against any person or persons whose possession, holding, or enjoyment of such manors, lands, tenements, rents, tithes, or hereditaments, or whose receipt of the rents, issues, or profits thereof, shall have commenced during the term of such demise or lease, or who shall claim from, by, or under any person or persons whose possession, holding, or enjoyment of such manors, lands, tenements, rents, tithes, or hereditaments, or whose receipt of the rents, issues, or profits thereof, shall have so commenced as aforesaid.

5. Act not to apply to existing suits.] Nothing contained in this Act shall extend to any action, bill, plaint, information, commission, or other suit or proceeding instituted or commenced before the passing of this Act and now pending.

CAP. LXIII.

An Act to enable Grand Juries in Ireland to increase the Remuneration of County Surveyors, and for other Purposes. [1st August, 1861.]

CAP. LXIV.

An Act to continue certain Turnpike Acts in Great Britain. [1st August 1861.]

CAP. LXV.

An Act to continue the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man. [1st August, 1861.]

CAP. LXVI.

An Act to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings. [1st August, 1861.]

WHEREAS it is expedient to grant relief to persons who may refuse or be unwilling, from alleged conscientious motives, to be sworn in criminal proceedings: be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Persons refusing from conscientious motives to be sworn in criminal proceedings to be permitted to make a solemn affirmation or declaration.] If any person called as a witness in any court of criminal jurisdiction in England or Ireland, or required or desirous to make an affidavit or deposition in the course of any criminal proceeding, shall refuse or be unwilling, from alleged conscientious motives, to be sworn, it shall be

lawful for the court or judge, or other presiding officer or person qualified to take affidavits or depositions, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration, in the words following; *videlicet*,

"I A. B., do solemnly, sincerely, and truly affirm and declare, that the taking of any oath is according to my religious belief unlawful; and I do also solemnly, sincerely, and truly affirm and declare," &c.

Which solemn affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form.

2. Punishment for making false affirmation.] If any person making such solemn affirmation or declaration shall wilfully, falsely, and corruptly affirm or declare any matter or thing which, if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same penalties as by the laws and statutes of this kingdom are or may be enacted or provided against persons convicted of wilful and corrupt perjury.

3. Commencement of Act.] This Act shall come into operation on the first day of October in the year one thousand eight hundred and sixty-one.

GENERAL OBSERVATIONS ON THE ABOVE ACT.

Prior to the present statute the law upon this subject appears to have been as follows:—The first relaxation of the rule requiring all witnesses to be *sworn* was made in favour of the Quakers (by 22 Geo. 2, c. 46), who were allowed to make affirmation instead of oath. And the same indulgence was afterwards extended to Moravians and the sect of Christians who call themselves Separatists. These provisions only rendered an affirmation admissible in civil cases; but still later—viz., by 9 Geo. 4, c. 32, and 3 & 4 Will. 4, c. 49, 82—Quakers, Moravians, and Separatists were allowed to affirm in criminal cases. So matters remained till the Common Law Procedure Act, 1854; one of the provisions of which was (s. 20) that in *civil* cases, if any one called as a witness should be unwilling from alleged conscientious motives to be sworn, the Court, upon being satisfied of the sincerity of the objection, should permit him to substitute a solemn affirmation. From this provision the present enactment has been copied; and its only object, therefore, is to extend the operation of 17 & 18 Vict. c. 125, s. 20, to courts of criminal jurisdiction in the same way that the provisions with regard to Quakers, &c., were so extended by 9 Geo. 4, c. 32, and 3 & 4 Will. 4, c. 49.

It is to be observed, however, that none of these enactments apply to the composition of *juries*, the earlier Acts with regard to Quakers, &c., having expressly required all jurors to be still actually sworn, and the later provisions not altering this. And it may also be well to notice, that had the present Act been law at the time, no difference would have been thereby made in the course which was pursued in some recent cases which have been much discussed. For a professed Atheist—not having any religious belief—could not of course make the affirmation required by the present Act. Nor will its provisions excuse any one who declines to give evidence at all, either from conscientious motives, as in the case of the son of the Baron de Vidil, or on pretence of a regard to his own security, as in the case of Fernandez. It simply extends the same indulgence, which has been long granted to the particular sects above enumerated, to all persons, whether they belong to a sect or not, whose views with regard to the lawfulness of taking a judicial oath are unorthodox.

CAP. LXVII.

An Act to make better Provision for the Constitution of the Council of the Governor-General of India, and for the Local Government of the several Presidencies and Provinces of India, and for the temporary Government of India in the event of a vacancy in the Office of Governor-General. [1st August, 1861.]

CAP. LXVIII.

An Act to amend the Laws relating to Attorneys and Solicitors in Ireland.

[1st August, 1861.]

CAP. LXIX.

An Act to provide for the Formation of Tramways on Turnpike and Statute Labour Roads in Scotland.

[1st August, 1861.]

CAP. LXX.

An Act for regulating the Use of Locomotives on Turnpike and other Roads, and the Tolls to be levied on such Locomotives and on the Waggon and Carriages drawn or propelled by the same.

[1st August, 1861.]

WHEREAS the use of locomotives is likely to become common on turnpike and other roads; and whereas the General Turnpike and Highway Acts and many of the Local Turnpike Acts do not contain any provisions for regulating the use of locomotives on the roads to which they respectively apply, nor do they authorise the levying of tolls upon or in respect of any locomotives using the roads, or upon or in respect of any wagon or carriage drawn by locomotives; and whereas under and by virtue of certain Local Turnpike Acts tolls may be levied upon locomotives and other engines drawing or propelling waggons or carriages, or upon the waggons or carriages so drawn or propelled, which are or may be prohibitory to the use of locomotives on the roads to which the said Acts respectively apply; and whereas the weighing clauses in the General Turnpike Acts have not been framed in anticipation of traffic by locomotives, and are in many respects ill-adapted to the profitable carrying of goods, or to the levying of just and adequate tolls upon waggons or carriages drawn by locomotives: and whereas it is desirable that the use of locomotives on turnpike and other roads should be regulated by uniform general provisions, and that tolls should be levied upon such locomotives and the waggons or carriages drawn by such locomotives upon turnpike roads: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Scale of tolls to be taken after passing of this Act.* From and after the passing of this Act, all trustees, corporations, commissioners, and other persons acting under and in execution of any existing General or Local Turnpike Road Act or Public Bridge Act shall demand and take tolls not exceeding the tolls following; that is to say,

For every locomotive propelled by any power, containing within itself the machinery for its own propulsion, such a toll for every two tons weight or fractional part of every two tons weight that such locomotive shall weigh as shall be equal to the toll or tolls by their respective Acts made payable for every horse drawing any wagon, wain, cart, or carriage with wheels of a width similar to those of such locomotive; or in the case of a toll by any such Act made payable being charged on the horse or horses drawing any such wagon, wain, cart, or carriage, without reference to the width of the wheels thereof, then such a toll for every two tons or fractional part thereof that such locomotive shall weigh as shall be equal to one horse drawing such wagon, wain, cart, or carriage; which tolls respectively shall be payable so often as tolls made payable as aforesaid for such wagon, wain, cart, or carriage shall be payable at the same gate: provided always, that if the wheels of such locomotive shall rest upon any shoe or other bearing the surface of which shall bear upon the ground so as to prevent the wheels coming in contact therewith, such and the same tolls only shall be demanded and payable as if the wheels thereof were of a width similar to such shoe or bearing:

For every wagon, wain, cart, or carriage drawn or propelled by any locomotive, for each pair of wheels thereof such a toll as shall not exceed the toll by their respective Acts made payable for two horses drawing any wagon, wain, cart, or carriage with wheels of a similar width, and for every additional wheel thereof one half toll in addition to the said toll; or in the case of a toll by any such Act made payable being charged on the horse or horses drawing any such wagon, wain, cart, or carriage, without reference to the width of the wheels thereof, then such a toll for each wheel as shall be equal to one horse draw-

ing such wagon, wain, cart, or carriage; which said toll or tolls shall be payable so often as the toll made payable as aforesaid for such wagon, wain, cart, or carriage drawn by horses shall be payable at the same gate:

Provided always, that in every case where the wheels of any wagon, wain, cart, or carriage shall not all be cylindrical, as described in the Act of the third year of George the Fourth, chapter one hundred and twenty-six, section nine, the toll payable in respect thereof shall be one-half more.

2. *Repeal of former enactments as to tolls to be taken for Locomotives.* All clauses and provisions in any local or general turnpike road Act or public bridge Act authorizing tolls to be demanded or taken upon locomotives or carriages drawn by steam or any other than animal power, different to the tolls herein provided for, shall, so far as the same relate to such tolls, be and the same are hereby repealed: provided always, that this enactment shall not be deemed or construed to extend to any tolls authorised to be taken in respect of any private roads or private bridges, or to the roads comprised in "The Commercial Roads Continuation Act, 1849."

3. *As to the size and weight of locomotives.* Every locomotive propelled by steam or any other than animal power, not drawing any carriage, and not exceeding in weight three tons, shall have the tires of the wheels thereof not less than three inches in width, and for every ton or fractional part thereof additional weight the tires of the wheels thereof shall be increased one inch in width; and every locomotive drawing any wagon or carriage shall have the tires of the wheels thereof not less than nine inches in width; but no locomotive shall exceed seven feet in width or twelve tons in weight, except as hereinafter provided; and the wheels of every locomotive shall be cylindrical and smooth soled, or used with shoes or other bearing surface of a width not less than nine inches; and the owner or owners of any locomotive used contrary to the foregoing provisions shall for every such offence, on summary conviction, forfeit any sum not exceeding five pounds: provided always, that whereas it may be desirable that locomotives of a greater width than seven feet and of a greater weight than twelve tons should be allowed to be used under certain circumstances, any person desiring to use any such locomotive on any street or public highway within the city of London or the liberties thereof, or within the limits of the metropolis as defined by the Act of the eighteenth and nineteenth years of her present Majesty, for the better local management of the metropolis, or within any other city or municipal or Parliamentary borough, or on any turnpike road or other public highway, shall apply within the city of London to the Lord Mayor for the time being, or within any municipal or Parliamentary borough in Scotland to the lord provost or other chief magistrate thereof, and in other places to the corporation, commissioners, trustees, and surveyors, or other persons having the charge of any such street, highway, turnpike, or other road over which it may be proposed to work such locomotive, for permission to use the same; and the said Lord Mayor, the said lord provost or chief magistrate, or such corporation, commissioners, trustees, surveyor, and other persons as aforesaid, shall have power to authorise such locomotive to be used on such road or roads, or part of any road or roads, and under such condition or conditions as to them may appear desirable; but in the case of the surveyor or surveyors of any highway in England no such permission shall be valid without also it be approved by the justices acting in petty sessions for any petty sessional division within which it is proposed to use such locomotive.

4. *As to the weight on each pair of wheels.* It shall not be lawful for any wagon, wain, cart, or other carriage so drawn or propelled as aforesaid, not having cylindrical wheels, to carry any greater weight than is permitted in such wagon, wain, cart, or carriage by the General Turnpike Act; and it shall not be lawful for any wagon, wain, cart, or other carriage having cylindrical wheels to carry, over or above the weight of the wagon, wain, cart, or carriage, any greater weight than one ton and a half for each pair of wheels, unless the felloes, tires, or shoes are four inches or more in breadth; nor to carry a greater weight than two tons for each pair of wheels, unless the felloes, tires, or shoes are six inches or more in breadth; nor to carry a greater weight than three tons for each pair of wheels, unless the felloes, tires, or shoes are eight inches or more in breadth; and for every single wheel one-half of that permitted to be carried on a pair of wheels; nor in any case to carry a greater weight than four tons on each pair of wheels, or two tons on each wheel; but if such wagons, wains, or other carriages are built and constructed with springs upon

each axle, then they shall be allowed to carry one-sixth more weight in addition to the above-mentioned weights upon each pair of wheels: provided always, that the regulation of weight herein mentioned and provided shall not extend to any wagon, wain, cart, or other carriage carrying only one tree or one log of timber, or one block of stone, or one cable or rope, or one block, plate, roll, or vessel of iron, or other metal, or compounded of any two or more metals cast, wrought, or united in one piece.

5. *Power to Secretary of State to prohibit the use of locomotives destructive to highways or dangerous to the public.*] In case it appear to one of her Majesty's principal secretaries of state that the use of any particular description of locomotive causes excessive wear and tear of the highways, or is dangerous or inconvenient to the public, or that the use of locomotives generally or of any particular description of locomotive is dangerous or inconvenient to the public in certain districts or places, it shall be lawful for such Secretary of State from time to time, by order under his hand, to prohibit the use of any kind or description of locomotive specified in such order on any highway whatsoever, or to prohibit the use of locomotives, or any specified kind or description thereof, on the highways within any place, district, or limit mentioned in such order, or otherwise to restrict the use of locomotives as circumstances may appear to him to require, and from time to time, by order made as aforesaid, to revoke or alter any such order previously made; and every order made under this enactment shall be published in the *London Gazette*, and any person using any locomotive contrary to any such order shall for every such offence, on summary conviction thereof before two justices, forfeit any sum not exceeding ten pounds.

6. *Use of locomotives restricted over suspension and other bridges.*] It shall not be lawful for the owner or driver of any locomotive to drive it over any suspension bridge nor over any bridge on which a conspicuous notice has been placed, by the authority of the surveyor or persons liable to the repair of the bridge, that the bridge is insufficient to carry weights beyond the ordinary traffic of the district, without previously obtaining the consent of the surveyor of the road or bridgemaster under whose charge such bridge shall be for the time being, or of the persons liable to the repair of such bridge; and in case such owner of the locomotive and surveyor of the road or bridge, or bridgemaster, shall differ in opinion as to the sufficiency of any bridge to sustain the transit of the locomotive, then the question shall be determined by an officer to be appointed, on the application of either party, by one of her Majesty's principal secretaries of state, whose certificate of sufficiency of such bridge shall entitle the owner of the locomotive to take the same over such bridge.

7. *Damage caused by locomotives to bridges to be made good by owners.*] Where any turnpike or other roads, upon which locomotives are or hereafter may be used, pass over or shall be carried over or across any stream or watercourse, navigable river, canal, or railway, by means of any bridge, or arch (whether stationary or moveable), and such bridge or arch; or any of the walls, buttresses, or supports thereof, shall be damaged by reason of any locomotive or any wagon or carriage drawn or propelled by or together with a locomotive passing over the same or coming into contact therewith, none of the proprietors, undertakers, directors, conservators, trustees, commissioners, or other person interested in, or having the charge of such navigable river, canal, or railway, or the tolls thereof, or of such bridge or arch, shall be liable to repair or make good any damage so to be occasioned, or to make compensation to any person for any obstruction, interruption, or delay which may arise therefrom to the use of such bridge or arch, navigable river, canal, or railway, but every such damage shall be forthwith repaired to the satisfaction of the proprietors, undertakers, directors, conservators, trustees, commissioners, or other persons as aforesaid, respectively interested in, or having the charge of, such river, canal, or railway, or the tolls thereof, or of such bridge or arch, by and at the expense of the owner or owners, or the person or persons having the charge of such locomotive at the time of the happening of such damage; and all such owner and owners, person and persons, having the charge of such locomotive as aforesaid, shall also be liable, both jointly and severally, to reimburse and make good, as well to the proprietors, undertakers, directors, conservators, trustees, commissioners, and other persons interested in or having the charge of any such navigable river, canal, or railway, or the tolls thereof, or of such bridge or arch, as to all persons navigating on or using, or who but for such obstruction, inter-

ruption, or delay would have navigated on or used the same, all losses and expenses which they or any of them may sustain or incur by reason of any such obstruction, interruption, or delay, such losses and expenses to be recoverable by action at law, which action, in case of such proprietors, undertakers, directors, conservators, trustees, commissioners, or other persons so interested as aforesaid, may be brought in the name or names of their agent or agents, clerk or clerks, for the time being, or by any person or persons legally authorised to act in their behalf.

8. *Locomotives propelled by steam to consume their own smoke.*] Every locomotive propelled by steam or any other than animal power to be used on any turnpike road or public highway shall be constructed on the principle of consuming and so as to consume its own smoke; and any person using any locomotive not so consuming its own smoke shall, on conviction thereof before any two of her Majesty's justices of the peace, forfeit any sum not exceeding five pounds for every day during which such locomotive shall be used on any such turnpike road or public highway.

9. *As to the number of persons in charge of locomotives and waggons. Lights to be used at night.*] It shall not be lawful for any owner of such locomotive, either in his own person or by his servants, to use any such locomotive, waggons, or carriages on the turnpike or other roads, except there be at the least two persons to drive or conduct such locomotive, and if more than two such waggons or carriages be attached to such locomotive, one person to take charge of such waggons and carriages; and any person in charge of such locomotive shall provide two efficient lights, to be fixed conspicuously, one at each side, on the front of the same, between the hours of one hour after sunset and one hour before sunrise; and any person acting contrary hereto shall, for every such offence, on summary conviction thereof before two justices, forfeit any sum not exceeding five pounds.

10. *Exemption from tolls of waggons, &c., now exempt under any general or local Act.*] All waggons, wains, carts, or carriages, as hereinbefore described, drawn by any locomotive, and loaded with any materials such as are now exempt from toll under the provisions of any general or local Act, shall be entitled to the same exemption as they would be if drawn by animal power.

11. *Limit of speed of locomotives on public highways, &c.*] It shall not be lawful to drive any locomotive along any turnpike road or public highway at a greater speed than ten miles an hour, or through any city, town, or village at a greater speed than five miles an hour; and any person acting contrary hereto shall for every such offence, on summary conviction thereof before two justices, if he be not the owner of such locomotive, forfeit any sum not exceeding five pounds, and if he be the owner thereof, shall forfeit any sum not exceeding ten pounds.

12. *Provisions of General Acts relating to turnpike roads to apply to locomotives.*] All the clauses and provisions of any general or local Acts relating to turnpike roads or highways shall, so far as the same are not expressly altered or repealed by or are not inconsistent with the provisions of this Act, apply to all locomotives propelled by other than animal power, and to all waggons, wains, carts, and carriages of any other description drawn by such locomotive, and to the owners, drivers, and attendants thereof, in like manner as if drawn by animal power: provided always, that the weight of every locomotive, and the name of the owner or owners thereof, shall be conspicuously and legibly affixed thereon; and any owner not having affixed such weight and such name shall, upon conviction thereof before two justices, forfeit any sum not exceeding five pounds; and any owner who shall fraudulently affix thereon any incorrect weight shall, upon conviction thereof, forfeit any sum not exceeding ten pounds.

13. *Right of action in case of nuisances.*] Nothing in this Act contained shall authorise any person to use upon a highway a locomotive engine which shall be so constructed or used as to cause a public or private nuisance; and every such person so using such engine shall, notwithstanding this Act, be liable to an indictment or action, as the case may be, for such use, where, but for the passing of this Act, such indictment or action could be maintained.

14. *Short title.*] This Act may be cited as the "Locomotive Act, 1861."

15. *Extent of Act.*] This Act shall extend to Great Britain.

GENERAL OBSERVATIONS ON THE ABOVE ACT.

In justification of this statute (for many persons will be of opinion that one is required), it is to be remarked that it does not authorise for the first time the introduction of locomotives on turnpike and other roads, for it seems clear that the only restriction on their use which can in the nature of things exist, is that referred to in the 13th section of the Act, and this is still retained. Any one who, in the words of the Act, is guilty of a public or private nuisance, by driving along the road any unusual vehicle, causing inconvenience or danger to the lieges, may make himself liable to be prosecuted or sued for a nuisance; but whether any particular carriage or the mode of its user is or is not a nuisance, must in the nature of things be a question of fact for the jury to decide under the particular circumstances of the case, and cannot be predetermined by the Legislature. The chief object, therefore, of the statute was not to alter or affect the remedies which at present exist in the case of any probable or actual inconvenience in connection with any particular carriage, but rather to afford an additional safeguard by providing positively against the use of locomotives at all, where, in the judgment of the Home Secretary, they ought not to be used, and by limiting the rate of speed which is to be attained—though it must be confessed that in this latter respect the nerves of the Legislature have been tolerably strong. To ordinary minds the picture of a steam engine, probably with several carriages attached and with fire flaming in the van, rushing along a road at the rate of *ten miles an hour*, as anticipated in the 11th section, and meeting at a sudden turn of the road a phaeton driven by a lady and drawn by a pair of thorough-breds, is sufficiently alarming. The friends of that lady, however, must derive such consolation as they can from the 13th section, which, as already intimated, preserves to them their right of action in the event of a fatal accident.

CAP. LXXI.

An Act to provide for the Performance of Duties heretofore performed by the Paymaster of Civil Services in Ireland in relation to Advances and Repayments of Public Moneys for Public Works.

[1st August, 1861.]

CAP. LXXII.

An Act to make further Provision for the Regulation of the British White Herring Fishery in Scotland.

[1st August, 1861.]

CAP. LXXIII.

An Act to amend the Law relating to the Copyright of Designs.

[6th August, 1861.]

WHEREAS by an Act passed in the session holden in the fifth and sixth years of the reign of her present Majesty, chapter one hundred, intituled "An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture," it was enacted that the proprietor of every such design as therein mentioned, not previously published either within the United Kingdom of Great Britain and Ireland or elsewhere, should have the sole right to apply the same to any articles of manufacture, or to any such substances as therein mentioned, provided the same were done within the United Kingdom of Great Britain and Ireland, for the respective terms therein mentioned, and should have such copyright in such designs as therein provided: and whereas divers Acts have since been passed, extending or amending the said recited Acts: and whereas it is expedient that the provisions of the said recited Act, and of all Acts extending or amending the same, should apply to designs, and to the application of such designs, within the meaning of the said Acts, whether such application be effected within the United Kingdom or elsewhere: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. 5 & 6 Vict. c. 100, and other Acts relating to copyright of designs, extended.] That the said recited Act, and all Acts

extending or amending the same, shall be construed as if the words "provided the same be done within the United Kingdom of Great Britain and Ireland" had not been contained in the said recited Act; and the said recited Act and all Acts extending or amending the same, shall apply to every such design as therein referred to, whether the application thereof be done within the United Kingdom or elsewhere, and whether the inventor or proprietor of such design be or be not a subject of her Majesty.

2. *Application of Acts.*] That the said several Acts shall not be construed to apply to the subjects of her Majesty only.

CAP. LXXIV.

An Act to render lawful the Enlistment of Persons transferred from the Indian to the General Forces of Her Majesty, and to provide in certain respects for the Rights of such Persons.

[6th August, 1861.]

CAP. LXXV.

An Act for amending the Municipal Corporations Act.

[6th August, 1861.]

5 & 6 Will. 4. c. 76.] WHEREAS it is expedient to amend in manner hereinafter mentioned the Act passed in the session holden in the fifth and sixth years of the reign of his late majesty King William the Fourth, chapter seventy-six, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," and hereinafter referred to as the "Principal Act:" be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Short title.*] This Act may be cited for all purposes as "The Municipal Corporations Act Amendment Act, 1861."

2. *Construction of sect. 57 of 5 & 6 Will. 4. c. 76.*] Whereas by the fifty-seventh section of the Principal Act it is provided that the mayor for the time being of every borough shall be a justice of the peace of and for such borough, and shall continue to be such justice of the peace during the next succeeding year after he has ceased to be mayor, unless disqualified as thereinbefore mentioned; and that such mayor shall, during the time of his mayoralty, have precedence in all places within the borough: it is hereby enacted, that the mayor of every borough shall, during the time of his mayoralty, have precedence over all justices of the peace acting in and for such borough, and be entitled to take the chair at all meetings of justices held within the borough at which he may be present by virtue of his office of mayor, subject to these provisos: firstly, that the mayor of a borough shall not by virtue of this section have any precedence over the justices of the peace acting in and for the county, riding, or division of a county in which any such borough is situate unless when acting in relation to the business of such borough, or over any stipendiary magistrate engaged in administering justice; and secondly, that by virtue of this section the Mayor of Cambridge shall not have any precedence over the Vice-Chancellor of the University of Cambridge, and the Mayor of Oxford shall not have any precedence over the Vice-Chancellor of the University of Oxford.

This alteration of the Municipal Corporations Act has been made in consequence of the question as to the nature of the "precedency" given to the mayor of a borough, by that statute, over the other magistrates, having been raised in the case of the mayor of Birmingham, and having been decided by the Queen's Bench (the point being raised before them on an application for a *mandamus* calling on the justices to allow the mayor to take precedence) to have reference only to social and other occasions not connected with magisterial business. The subject is one of a good deal of interest in provincial towns, and is, moreover, accompanied with some difficulty, increased by the point having actually arisen and been disputed; for had it not been for that accidental circumstance the question, like many others, incapable of an altogether satisfactory solution, might have quietly slumbered for an indefinite period. It is no doubt convenient and decorous that, as the general rule, the chair at petty sessions, for example, should be filled by the chief officer of the borough; but as it may well happen that he may be a gentleman altogether unacquainted with the routine

of legal proceedings his taking that position of right, and under all circumstances, may be thought by some undesirable. This is a matter, however, which may probably be safely left to the good sense of individuals.

3. *Amendment of sect. 98 of 5 & 6 Will. 4. c. 76.]* Whereas by the ninety-eighth section of the Principal Act it is provided, that every person assigned by her Majesty's commission to act as justice in and for a borough shall reside within the borough for which he shall be so assigned, or within seven miles of the borough, or of some part thereof, during such time as he shall act as a justice of the peace in and for such borough: and by the ninth section of the Principal Act it is provided, that every burgess shall be an inhabitant householder within the borough, or within seven miles thereof: it is hereby enacted, that every such justice shall be deemed to reside within such borough if he occupies any house, shop, warehouse, or other premises within the same.

The enacting clause of this section is obscurely worded; but the meaning appears to be, that the occupation therein mentioned is to constitute the justice, not a resident merely within the borough (as, at first sight, would seem to be the effect), but an "inhabitant householder."

4. *Boroughs having a separate commission of the peace to be deemed towns corporate for the purposes of the Alehouse Licensing Act.]* Whereas by the ninety-eighth section of the Principal Act it is provided that her Majesty's commission may be issued to certain persons to act as justices of the peace in and for each of the several boroughs therein mentioned: and whereas doubts have arisen whether boroughs having separate commissions of the peace, but not having separate courts of quarter sessions, are "towns corporate" within the meaning of the Act ninth of George the Fourth, session two, chapter sixty-one, intituled "An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in England," so as to give the justices of such boroughs control over the granting or withdrawing licences, and it is desirable that such doubts should be removed: it is hereby declared, that in the construction of the last-mentioned Act the words "town corporate," and the words "county or place," and the words "division or place," include every borough in England having a separate commission of the peace, although it may not have a separate court of quarter sessions; and that the words "high constable," where used in the same Act, include any constable of any such borough to whom the justices of the same borough may direct their precept or precepts under the same Act; and that all licences hitherto granted, and all transfers of licences hitherto made in pursuance of the same Act, or of the Act of the fifth and sixth Victoria, chapter forty-four, or any other Act, by the justices of any such borough, are hereby declared to be valid and effectual to all intents and purposes.

5. *Repeal of sect. 112 of 5 & 6 Will. 4. c. 76, and new provisions enacted in lieu thereof.]* Whereas by the one hundred and second section of the Principal Act, it is enacted, that it shall not be lawful for the justices of any borough to appoint or continue an such clerk to the justices any alderman or councillor of such borough, or clerk of the peace for such borough, or partner of such clerk of the peace, or any clerk or person in the employ of such clerk of the peace; and that it shall not be lawful for the said clerk to the justices, by himself or his partner, to be directly or indirectly interested or employed in the prosecution of any offender committed for trial by the justices of whom he shall be such clerk as aforesaid, or any of them, at any court of gaol delivery, or general or quarter sessions; and that any person being an alderman or councillor, or clerk of the peace of any borough, or the partner or clerk, or in the employ of such clerk of the peace, who shall act as clerk to the justices of such borough, or shall otherwise offend in the premises, shall for every such offence forfeit and pay the sum of one hundred pounds as therein mentioned: and whereas the said provisions have been found to be insufficient for preventing the mischiefs thereby intended to be prevented: it is hereby enacted, that the said provisions of the one hundred and second section of the principal Act shall be repealed; and from and after the passing of this Act it shall not be lawful for the justices of any borough to appoint or continue as their clerk any alderman or councillor of such borough, or the clerk of the peace of such borough or of the county in which such borough is situate, or the partner of any such clerk of the

peace; and it shall not be lawful for the clerk to the justices of any borough, by himself or his partner, or otherwise, to be directly or indirectly employed or interested in the prosecution of any offender committed for trial by the justices of such borough or any of them at any court of gaol delivery or general or quarter sessions; and any person who shall in anywise offend in the premises shall for every such offence forfeit and pay the sum of one hundred pounds, one moiety thereof to the treasurer of such borough, to be paid over to the credit and account of the borough fund, and the other moiety thereof, with costs of suit, to any person who may sue for the same in any of her Majesty's courts of record at Westminster: provided that nothing herein contained shall prevent the justices of any borough re-appointing as their clerk any clerk of the peace or partner of such clerk of the peace of their borough, or of the county in which such borough is situate, who at the time of the passing of this Act shall be, or shall not at the time of such re-appointment have ceased to be, the clerk of such justices.

It is not easy at first sight, by reason of the multiplicity of words employed, to distinguish between the repealed provision on this subject and that now substituted. The chief object of the present Act, however, seems to be to exclude the clerk of the peace for the county in which the borough is situate; for the previous enactment extended only to the clerk of the peace for the borough itself, and applied, therefore, only to the comparatively few boroughs which have separate courts of quarter sessions. On the other hand, in the principal Act the clerks and other persons in the employ of the clerk of the peace were expressly disqualified, which is not repeated in the present statute.

6. *Provisions of 22 & 23 Vict. c. 56, as to appointment of inspectors of weights and measures extended to boroughs having a separate commission of the peace.]* Whereas by the fourth section of an Act passed in the session holden in the twenty-second and twenty-third years of the reign of her present Majesty, chapter fifty-six, intituled "An Act to amend an Act of the Fifth and Sixth years of King William the Fourth, Chapter Sixty-three, relating to Weights and Measures," certain powers of appointing inspectors of weights and measures are conferred on the town councils of all municipal boroughs in England and Wales incorporated under the provisions of the principal Act to which a separate court of quarter sessions has been granted: and whereas it is expedient to extend such provisions to the town-councils of all municipal boroughs in England and Wales having a separate commission of the peace, although they may not have a separate court of quarter sessions: it is hereby enacted, that all the provisions of the said fourth section shall extend to boroughs having a separate commission of the peace in the same manner as if such boroughs were therein included under the description of "boroughs to which a separate court of quarter sessions has been granted."

7. *Not to affect 17 & 18 Vict. c. 20.]* Nothing in this Act contained shall affect "The Manchester Division Stipendiary Act, 1854," or any provision therein contained.

8. *Construction of Act.]* This Act shall be construed as with the said principal Act.

CAP. LXXVI.

An Act to amend the Law relating to the removal of Poor Persons to Ireland. [6th August, 1861.]

WHEREAS it is expedient that better means should be provided for the safe conveyance to the place of their destination in Ireland of poor persons who may be removed in pursuance of the Act passed in the eighth and ninth years of the reign of her present Majesty, chapter one hundred and seventeen: to be hereby enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same—

1. *Warrant of removal to be signed in petty session, or by police magistrate.]* No application for a warrant ordering the removal from any place in England to Ireland of any poor person who shall have become chargeable in such place shall be heard and determined except by two or more justices in petty sessions assembled, or by a stipendiary magistrate, or metropolitan police magistrate sitting in his court, which justices

magistrate (as the case may be) shall see such poor person or the person who is the head of the family proposed to be removed, and shall be satisfied that every person who is proposed to be removed by the warrant is in such a state of health as not to be liable to suffer bodily or mental injury by the removal.

2. *Warrant to contain name and age of every person to be removed, and other particulars. Proviso.*] Such warrant of removal shall be granted only on the application of the relieving officer or other officer of the guardians of the union or parish where such poor person shall become chargeable, and shall contain the name and reputed age of every person ordered to be removed by virtue of the same, and the name of the place in Ireland where the justices or magistrates shall find such person to have been born or to have last resided for the space of three years and a statement of such examination having been made as to the state of health of every person ordered to be removed as aforesaid; and such warrant shall be addressed to the party applying for the same, and to the guardians of the union or parish to which such poor person is to be removed, and a copy shall be given by and at the cost of the person applying for such warrant to the person or the head of the family about to be removed by virtue of it.

Provided, that in the case of any native of Ireland who shall have been absent from Ireland less than twelve months the pauper may, if the guardians applying for the warrant and the justices or magistrate issuing it think fit, be removed to any place, other than that above described, with his consent; and provided also, that in any case where the justices or magistrate shall not be able to ascertain upon the evidence before them the place of birth, or of such continued residence as aforesaid, they shall order the pauper to be removed to the port in Ireland which shall in the judgment of such justices under the circumstances of the case be most convenient.

3. *Copy of the warrant to be sent to guardians of place to which the removal is to be made.*] The guardians obtaining the warrant shall send a copy of it, by post, to the clerk of the board of guardians of the union in Ireland to which such poor person shall be ordered to be removed, and also a copy of the depositions taken in the case, if the same shall, at any time within three months from the date of the warrant, be required by any such board of guardians.

4. *Warrant shall order poor persons to be conveyed to the place mentioned in the warrant.*] Such warrant shall order the removal of the poor person to be made to the place mentioned therein as aforesaid, and shall order the persons charged with the execution thereof to cause such poor person, with his family (if any) to be safely conveyed to such place in Ireland, to be delivered at the workhouse of the union containing the port or nearest to the place of the pauper's ultimate destination.

5. *The guardians of the poor of the union at the port may forward the pauper to the place of destination, and recover the costs from the board of guardians in England.*] If such union be not such place of ultimate destination, the guardians thereof may, if they think fit, cause the pauper to be removed forthwith to the place mentioned in the warrant, and shall be entitled to be reimbursed the costs incurred in such removal by the guardians in England on whose application the warrant was obtained, such costs being the actual expenses incurred in and about the conveyance and maintenance of each person so removed, according to the certificate of the Poor Law Commissioners of Ireland, which costs may, if not paid on demand, be recovered by an action in any county court having jurisdiction in the union or parish in England from which the removal shall have taken place, at the suits of the guardians of such union in Ireland.

6. *Women and children not to be removed as deck passengers during the winter.*] It shall be unlawful to remove any woman or any child under the age of fourteen as a deck passenger in any vessel from England to Scotland or Ireland, during the period from the first of October to the thirty-first of March following, and no regulation of justices authorising such a removal shall be henceforth legal.

7. *Sect. 6 of 8 & 9 Vict. c. 117, repealed.*] Section the sixth of the Act of the eighth and ninth Victoria, chapter one hundred and seventeen, is hereby repealed.

The provision hereby repealed was contained in the Act of 1845 relating to the removal of poor persons chargeable to English parishes and born in Scotland, Ireland, or the Channel

Islands; and regulated the practice on appeals by the authorities of the place to which the pauper was removed, to the English borrough or county quarter sessions for the borough or county from which the removal was made.

8. *Acts to be construed together.*] Except so far as this Act shall alter the provisions of the said Act, this Act shall be construed as a part of the same.

CAP. LXXVII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. [6th August, 1861.

CAP. LXXVIII.

An Act to repeal certain Enactments relating to nominating and appointing the Householders of Westminster to serve as Annoyance Jurors, and to make other Provisions in lieu thereof. [6th August, 1861.

CAP. LXXIX.

An Act to amend the Metropolis Gas Act.

[6th August, 1861.

WHEREAS it is expedient to extend the powers in relation to gas invested in the Metropolitan Board of Works by "The Metropolis Gas Act, 1860;" be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Powers conferred on justices of the peace by 22 & 23 Vict. c. 66, as amended by 23 & 24 Vict. c. 146, in so far as relates to the metropolis, transferred to the Metropolitan Board of Works.*] All powers conferred on the justices of the peace of any county in general or quarter sessions assembled, by the Act passed in the twenty-second and twenty-third years of the reign of her present Majesty, chapter sixty-six, intituled "An Act for regulating Measures used in Sales of Gas," as amended by an Act passed in the session of the twenty-third and twenty-fourth years of the reign of her present Majesty, chapter one hundred and forty-six, and intituled "An Act to amend the Act for regulating Measures used in Sales of Gas," shall, in so far as relates to the metropolis, as defined by an Act passed in the session holden in the eighteenth and nineteenth years of her present Majesty, chapter one hundred and twenty, and intituled "An Act for the better Local Management of the Metropolis," being transferred and vested in the Metropolitan Board of Works, and so many of the said powers as are conferred by section four of the said Act of the twenty-second and twenty-third years of the reign of her present Majesty shall be exercised by such board within two months after the passing of this Act, and so from time to time thereafter as in the said Act mentioned, and all expenses incurred by the said board in pursuance of this Act shall be defrayed by them out of rates leviable by them within their jurisdiction exclusive of the city of London.

2. *So much of sect. 1 of 23 & 24 Vict. c. 146, as respects the metropolis repealed.*] So much of the said Act passed in the session holden in the twenty-third and twenty-fourth years of the reign of her present Majesty, chapter one hundred and forty-six, as provides that, notwithstanding anything contained in the said Act for regulating measures used in sales of gas, the said Act shall not come into operation in any county of England until the magistrates of such county in quarter sessions shall have resolved to bring such county under the operation of the Act, shall be repealed so far as respects the metropolis as hereinbefore defined.

CAP. LXXX.

An Act to authorise Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours; and for other Purposes. [6th August, 1861.

CAP. LXXXI.

An Act to repeal the Provisions in certain Statutes relative to the Salary of the Lord Clerk Register in Scotland. [6th August, 1861.]

CAP. LXXXII.

An Act for making Provision for the good Government and Extension of the University of Durham. [6th August, 1861.]

CAP. LXXXIII.

An Act to amend the Law regarding the Registration of County Voters in Scotland. [6th August, 1861.]

CAP. LXXXIV.

An Act to amend the Law in Scotland relative to the Resignation, Powers, and Liabilities of gratuitous Trustees. [6th August, 1861.]

CAP. LXXXV.

An Act to authorise for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland. [6th August, 1861.]

CAP. LXXXVI.

An Act to amend the Law regarding Conjugal Rights in Scotland. [6th August, 1861.]

CAP. LXXXVII.

An Act to amend the Metropolitan Building Act (1855). [6th August, 1861.]

CAP. LXXXVIII.

An Act to vest in the Commissioners of Her Majesty's Works and Public Buildings a Portion of St. James's Park as a Site for Public Offices. [6th August, 1861.]

CAP. LXXXIX.

An Act to increase the Amount payable out of the Revenues of India in respect of the Retiring Pay, Pensions, and other Expenses of that Nature, of Her Majesty's British Forces serving in India. [6th August 1861.]

CAP. XC.

An Act to make Arrangements as to the Disposal and Management of Property belonging to the University of Edinburgh; and to regulate the Appropriation and Application of the Annuity of Two thousand five hundred Pounds payable from the Revenues of the Harbour and Docks of Leith, under the Authority of an Act passed in the First and Second Years of Victoria, Chapter Fifty-five. [6th August, 1861.]

CAP. XCI.

An Act to amend the Laws relating to the Inland Revenue. [6th August, 1861.]

CAP. XCII.

An Act to amend the Law for the Collection of the Stamp Duties on Probates, Administrations, Inventories, Legacies, and Successions. [6th August, 1861.]

CAP. XCIII.

An Act to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Appropriation of the Monies voted for the Revenue Departments. [6th August, 1861.]

CAP. XCIV.

An Act to consolidate and amend the Statute Law of England and Ireland relating to Accessories to and Abettors of indictable Offences. [6th August, 1861.]

WHEREAS it is expedient to consolidate and amend the Statute Law of England and Ireland relating to accessories to and abettors of indictable offences: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

As to accessories before the fact:

1. *Accessories before the fact may be tried and punished as principals.* Whosoever shall become an accessory before the fact to any felony, whether the same be a felony at common law or by virtue of any Act passed or to be passed, may be indicted, tried, convicted, and punished in all respects as if he were a principal felon.

2. *Accessories before the fact may be indicted as such, or as substantive felons.* Whosoever shall counsel, procure, or command any other person to commit any felony, whether the same be a felony at common law or by virtue of any Act passed or to be passed, shall be guilty of felony, and may be indicted and convicted either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished in the same manner as an accessory before the fact to the same felony, if convicted as an accessory, may be punished.

As to accessories after the fact:

3. *Accessories after the fact may be indicted as such, or as substantive felons.* Whosoever shall become an accessory after the fact to any felony, whether the same be a felony at common law or by virtue of any Act passed or to be passed, may be indicted and convicted either as an accessory after the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished in like manner as any accessory after the fact to the same felony, if convicted as an accessory, may be punished.

4. *Punishment of accessories after the fact.* Every accessory after the fact to any felony (except where it is otherwise specially enacted), whether the same be a felony at common law or by virtue of any Act passed or to be passed, shall be liable, at the discretion of the Court, to be imprisoned in the common gaol or house of correction for any term not exceeding two years, with or without hard labour, and it shall be lawful for the Court, if it shall think fit, to require the offender to enter into his own recognizances and to find sureties, both or either, for keeping the peace, in addition to such punishment: provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

As to accessories generally:

5. *Prosecution of accessory after principal has been convicted, but not attainted.* If any principal offender shall be in anywise convicted of any felony, it shall be lawful to proceed against any accessory, either before or after the fact, in the same manner as if such principal felon had been attainted thereof, notwithstanding such principal felon shall die, or be pardoned, or otherwise delivered before attaintment; and every such accessory shall upon conviction suffer the same punishment as he would have suffered if the principal had been attainted.

6. *Several accessories may be included in the same indictment although principal felon not included.*] Any number of accessories at different times to any felony, and any number of receivers at different times of property stolen at one time, may be charged with substantive felonies in the same indictment, and may be tried together, notwithstanding the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice.

7. *Trial of accessories.*] Where any felony shall have been wholly committed within England or Ireland, the offence of any person who shall be an accessory either before or after the fact to any such felony may be dealt with, inquired of, tried, determined, and punished by any Court which shall have jurisdiction to try the principal felony, or any felonies committed in any county or place in which the act by reason whereof such person shall have become such accessory shall have been committed; and in every other case the offence of any person who shall be an accessory either before or after the fact to any felony may be dealt with, inquired of, tried, determined, and punished by any Court which shall have jurisdiction to try the principal felony or any felonies committed in any county or place in which such person shall be apprehended or be in custody, whether the principal felony shall have been committed on the sea or on the land, or begun on the sea and completed on the land, or begun on the land and completed on the sea, and whether within Her Majesty's dominions or without, or partly within her Majesty's dominions and partly without; provided that no person who shall be once duly tried either as an accessory before or after the fact, or for a substantive felony under the provisions hereinbefore contained, shall be liable to be afterwards prosecuted for the same offence.

As to abettors in misdemeanors:

8. *Abettors in misdemeanors.*] Whosoever shall aid, abet, counsel, or procure the commission of any misdemeanor, whether the same be a misdemeanor at common law or by virtue of any act passed or to be passed, shall be liable to be tried, indicted, and punished as a principal offender.

As to other matters:

9. *As to offences committed within the jurisdiction of the Admiralty.*] Where any person shall, within the jurisdiction of the Admiralty of England or Ireland, become an accessory to any felony, whether the same be a felony at common law or by virtue of any act passed or to be passed, and whether such felony shall be committed within that jurisdiction or elsewhere, or shall be begun within that jurisdiction and completed elsewhere, or shall be begun elsewhere, and completed within that jurisdiction, the offence of such person shall be felony; and in any indictment for any such offence the venue in the margin shall be the same as if the offence had been committed in the county or place in which such person shall be indicted, and his offence shall be averred to have been committed "on the high seas;" provided that nothing herein contained shall alter or affect any of the laws relating to the government of her Majesty's land or naval forces.

10. *Act not to extend to Scotland.*] Nothing in this Act contained shall extend to Scotland, except as hereinbefore otherwise expressly provided.

11. *Commencement of Act.*] This act shall commence and take effect on the first day of November, one thousand eight hundred and sixty-one.

CAP. XCIV.

An Act to repeal certain Enactments which have been consolidated in several Acts of the present session relating to indictable Offences and other Matters.

[6th August, 1861.]

WHEREAS by six several Acts of the present session of Parliament, relating respectively to offences against the person, malicious injuries to property, larceny, forgery, coining, and accessories and abettors, divers Acts and parts of Acts have been consolidated and amended; and it is expedient to repeal the enactments so consolidated and amended, and certain other enactments: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Repeal of Acts and parts of Acts mentioned in schedule.*] The several Acts and parts of Acts in the schedule hereto annexed shall continue in force until and throughout the last day of October in the present year, and shall from and after that day be repealed to the extent following (that is to say): in any case where the enactment does not form part of the law of Scotland then the enactment shall be wholly repealed, but in any case where the enactment does form part of the law of Scotland, then the enactment shall be wholly repealed as to every other place, but shall not be repealed as to Scotland, unless otherwise expressly mentioned.

2. *Repeal not to affect the colonies in certain cases.*] Provided, that where any enactment shall have been extended to any part of her Majesty's dominions out of the United Kingdom by any Act of Parliament of the United Kingdom or otherwise, the same shall not be repealed as to that part of her Majesty's dominions.

3. *Repeal not to affect offences, &c., committed before the commencement of this Act.*] Provided also, that every offence which shall have been wholly or partly committed against any of the said Acts or parts of Acts before this Act comes into operation shall be dealt with, inquired of, tried, determined, and punished, and every penalty in respect of any such offence shall be recovered, in the same manner as if the said Acts and parts of Acts had not been repealed; and that every act duly done, and every warrant and other instrument duly made or granted, before this Act comes into operation, shall continue and be of the same force and effect as if the said Acts and parts of Acts had not been repealed; and that every right, liability, privilege, and protection in respect of any matter or thing committed or done before this Act comes into operation shall continue and be of the same force and effect as if the said Acts and parts of Acts had not been repealed; and that every action, prosecution, and other proceeding which shall have been commenced before this Act comes into operation, or shall thereafter be commenced, in respect of any such matter or thing, may be prosecuted, continued, and defended in the same manner as if the said Acts and parts of Acts had not been repealed.

4. *Repeal not to affect any authority to amend registers of births, &c.*] Provided also, that nothing herein contained shall in any manner alter or affect any power or authority given by any Act to alter or amend any register of births, baptism, marriages, deaths, or burials.

SCHEDULE.

References to Act.	Title of Act.	Extent of Repeal.
10 Car. 1, sess. 3. c. 20 (I.)	An Act against such as shall levy any Fine, suffer any Recovery, acknowledge any Statute, Recognizance, Baile, or Judgment in the Name of any other Person or Persons not being privie and consenting thereto.	The whole.
7 Will. 3, c. 18 (L.)	An Act for taking special Baills in the Country upon Actions and Suits depending in the Courts of King's Bench, Common Pleas, and Exchequer at Dublin.	Section four.
2 & 3 Ann. c. 4	An Act for the public registering of Deeds, Conveyances, and Wills that shall be made of any Honors, Manors, Lands, Tenements, or Hereditaments within the West Riding of the County of York after the Nine-and-twentieth Day of September, One thousand seven hundred and four.	So much of section nineteen as relates to any forging or counterfeiting therein mentioned.

References to Act.	Title of Act.	Extent of Repeal.
6 Ann. c. 2 (I.)	An Act for the public registering of all Deeds, Conveyances, and Wills that shall be made of any Honors, Manors, Lands, Tenements, or Hereditaments.	So much of section seventeen as relates to any forging or counterfeiting therein mentioned.
6 Ann. c. 35	An Act for the public registering of all Deeds, Conveyances, Wills, and other Incumbrances, that shall be made of, or that may affect any Honors, Manors, Lands, Tenements, or Hereditaments within the East Riding of the County of York, or the Town and County of the Town of Kingston-upon-Hull, after the Nine-and-twentieth Day of September, One thousand seven hundred and eight; and for the rendering the Register in the West Riding more complete.	So much of section twenty-six as relates to any forging or counterfeiting therein mentioned.
7 Ann. c. 20	An Act for the public registering of Deeds, Conveyances, and Wills, and other Incumbrances, that shall be made of, or that may affect Honors, Manors, Lands, Tenements or Hereditaments within the County of Middlesex after the Twenty-ninth Day of September, One thousand seven hundred and nine.	So much of section fifteen as relates to any forging or counterfeiting therein mentioned.
8 Ann. c. 10 (I.)	An Act for amending an Act intituled "An Act for the public registering of all Deeds, Conveyances, and Wills that shall be made of any Honors, Manors, Lands, Tenements, or Hereditaments."	So much of section four as relates to any forging or counterfeiting therein mentioned.
8 Geo. 1, c. 15 (I.)	An Act for explaining and amending Two several Acts in relation to the public registering of Deeds, Conveyances, and Wills.	So much of section four as relates to any forging or counterfeiting therein mentioned.
11 Geo. 1, c. 9	An Act for continuing the several Annuities of Eighty-eight thousand seven hundred and fifty-one Pounds Seven Shillings and Tenpence Halfpenny and One hundred thousand Pounds to the Bank of England until Midsummer One thousand seven hundred and twenty-seven, and from thence for reducing the same to Seventy-one thousand and One Pounds Two Shillings and Threepence Three Farthings and Eighty thousand Pounds, redeemable by Parliament, and for preventing the uttering of forged, counterfeited, or erased Bank Bills or Notes.	Section six.
12 Geo. 1, c. 32	An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds, and Indorsements thereon; as likewise Indorsements on South Sea Bonds.	Section nine.
3 Geo. 2, c. 4 (I.)	An Act for the more effectual preventing and further Punishment of Forgery, Perjury and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money, and for the more effectual transporting Felons, Vagabonds, and Others.	Section one.
8 Geo. 2, c. 6.	An Act for the public registering of all Deeds, Conveyances, Wills, and other Incumbrances that shall be made of, or that may affect any Honors, Manors, Lands, Tenements, or Hereditaments within the North Riding of the County of York, after the Nine-and-twentieth Day of September, One thousand seven hundred and thirty-six.	So much of section thirty-one as relates to any forging or counterfeiting therein mentioned.
15 Geo. 2, c. 13.	An Act for establishing an Agreement with the Governor and Company of the Bank of England for advancing the Sum of One million six hundred thousand Pounds towards the Supply for the Service of the Year One thousand seven hundred and forty-two.	Section twelve.
17 Geo. 2, c. 11 (I.)	An Act for the Amendment of the Law in relation to Forgery, and the Salvage of Ships and Goods stranded.	Section one.
13 & 14 Geo. 3, c. 14 (I.)	An Act for the more effectual preventing the forging or altering the Acceptance or Indorsement of Bills of Exchange, or the Numbers or Principal Sums of accountable Receipts for Notes, Bills, or other Securities for Payment of Money, or Warrants or Orders for Payment of Money or Delivery of Goods.	The whole.
21 & 22 Geo. 3, c. 16 (I.)	An Act for establishing a Bank by the Name of the Governors and Company of the Bank of Ireland.	Sections fifteen and sixteen.
23 & 24 Geo. 3, c. 22 (I.)	An Act for better securing the Moneys and Effects of the Suitors of the Court of Chancery and the Court of Exchequer, by depositing the same in the National Bank; and to prevent the forging and counterfeiting any Draft, Order, or other Voucher for the Payment or Delivery of such Money or Effects; and for other Purposes.	Section twenty-two.

References to Act.	Title of Act.	Extent of Repeal.
25 Geo. 3, c. 37 (I.)	An Act to explain and amend an Act passed in the Thirteenth and Fourteenth Years of the Reign of His present Majesty King George the Third, intituled "An Act for the more effectual preventing the forging or altering the Acceptance or Indorsement of Bills of Exchange, or the Numbers or Principal Sums of accountable Receipts for Notes, Bills, or other Securities for Payment of Money, or Warrants or Orders for Payment of Money or Delivery of Goods."	The whole.
27 Geo. 3, c. 15 (I.)	An Act to prevent tumultuous Risings and Assemblies, and for the more effectual Punishment of Persons guilty of Outrage, Riot, and illegal Combination, and of administering and taking unlawful Oaths.	Section five.
35 Geo. 3, c. 66	An Act for making Part of certain Principal Sums or Stock and Annuities raised or created, or to be raised or created by the Parliament of the Kingdom of Ireland on Loans for the Use of the Government of that Kingdom transferrable, and the Dividends on such Stock and Annuities payable at the Bank of England; and for the better Security of the Proprietors of such Stocks and Annuities, and of the Governor and Company of the Bank of England.	Section three and all the subsequent sections.
37 Geo. 3, c. 26 (I.)	An Act to prevent the forging of Notes and Bills of the Governor and Company of the Bank of Ireland, and to prevent the obtaining of false Credit, and the committing of Frauds by the imitation of Notes or Bills of the said Governor and Company.	The whole.
37 Geo. 3, c. 46	An Act for making certain Annuities created by the Parliament of the Kingdom of Ireland transferrable, and the Dividends thereon payable at the Bank of England; and for the better Security of the Proprietors of such Annuities, and of the Governor and Company of the Bank of England.	Section three and all the subsequent sections.
37 Geo. 3, c. 54 (I.)	An Act to enable the Proprietors of Debentures issued by Government to convert them into Stock transferrable at the Bank of Ireland.	Section eleven and all the subsequent sections.
37 Geo. 3, c. 126	An Act to prevent the counterfeiting any Copper Coin in this Realm made or to be made current by Proclamation, or any Foreign Gold or Silver Coin; and to prevent the bringing into this Realm or uttering any counterfeit Foreign Gold or Silver Coin.	The whole, both as to England and Scotland, except section one.
38 Geo. 3, c. 53 (I.)	An Act for the more effectually preventing the forging of the Notes and Bills of the Governor and Company of the Bank of Ireland, and the Circulation of forged Notes and Bills of the said Governor and Company.	The whole.
39 Geo. 3, c. 63 (I.)	An Act for the more effectually preventing the forging of Bills of Exchange and Promissory Notes, or any Acceptance, Assignment, or Indorsement thereof, or any Acquittance or Receipt for Money or Goods; and also for preventing the forging of the Promissory Notes of the Governor and Company of the Bank of England commonly called Bank Notes, and the Bills of Exchange of the said Governor and Company called Bank Post Bills.	The whole, except the last section.
40 Geo. 3, c. 96 (I.)	An Act to revive, amend, continue, or make perpetual certain temporary Statutes.	So much of section five as perpetuates the part of the 27 Geo. 3, c 15, hereby repealed.
41 Geo. 3, c. 57	An Act for the better Prevention of the Forgery of the Notes and Bills of Exchange of Persons carrying on the Business of Bankers.	The whole.
43 Geo. 3, c. 139	An Act for preventing the forging and counterfeiting of Foreign Bills of Exchange, and of Foreign Promissory Notes and Orders for the Payment of Money; and for preventing the counterfeiting of Foreign Copper Money.	Sections one and two as to Ireland, and the rest of the Act as to the whole United Kingdom.
48 Geo. 3, c. 1	An Act for regulating the issuing and paying off of Exchequer Bills.	Section nine.
49 Geo. 3, c. 13 (I.)	An Act for the more effectually preventing the forging of Bank Notes, Bank Bills of Exchange, and Bank Post Bills, and the Negotiation of forged and counterfeited Bank Notes, Bank Bills of Exchange, and Bank Post Bills of the Governor and Company of the Bank of Ireland.	The whole.

References to Act.	Title of Act.	Extent of Repeal.
1 Geo. 4, c. 4	An Act for punishing criminally Drivers of Stage Coaches and Carriages for Accidents occasioned by their wilful Misconduct.	The whole.
1 Geo. 4, c. 92	An Act for the Prevention of forging and counterfeiting Bank Notes.	Sections one and two.
3 Geo. 4, c. 116	An Act for the more convenient and effectual registering in Ireland Deeds executed in Great Britain.	So much of section seven as relates to any forging or counterfeiting therein mentioned.
4 Geo. 4, c. 54	An Act for allowing the Benefit of Clergy to Persons convicted of certain Felonies, under Two Acts of the Ninth Year of King George the First and of the Twenty-seventh Year of King George the Second; for making better Provision for the Punishment of Persons guilty of sending or delivering Threatening Letters; and of Assaults with Intent to commit Robbery.	The whole.
5 Geo. 4, c. 25 (I.)	An Act to repeal so much of an Act passed in the Ninth Year of the Reign of King William the Third as relates to Burials in suppressed Monasteries, Abbeys, or Convents in Ireland; and to make further Provision with respect to the Burial in Ireland of Persons dissenting from the Established Church.	Section five.
7 Geo. 4, c. 64	An Act for improving the Administration of Criminal Justice in England.	Sections nine, ten, and eleven.
7 & 8 Geo. 4, c. 18	An Act to prohibit the setting Spring guns, Man Traps, and other Engines calculated to destroy Human Life or inflict grievous bodily Harm.	The whole.
7 & 8 Geo. 4, c. 29	An Act for consolidating and amending the Laws of England relative to Larceny and other Offences connected therewith	The whole, as to the whole United Kingdom.
7 & 8 Geo. 4, c. 30	An Act for consolidating and amending the Laws in England relative to malicious Injuries to Property.	The whole.
9 Geo. 4, c. 31	An Act for consolidating and amending the Statutes in England relative to Offences against the Person.	The whole.
9 Geo. 4, c. 54 (I.)	An Act for improving the Administration of Justice in Criminal Cases in Ireland.	Sections twenty-three, twenty-four, and twenty-five.
9 Geo. 4, c. 55 (I.)	An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith.	The whole, as to the whole United Kingdom.
9 Geo. 4, c. 56 (I.)	An Act for consolidating and amending the Laws in Ireland relative to malicious Injuries to Property.	The whole.
10 Geo. 4, c. 34 (I.)	An Act for consolidating and amending the Statutes in Ireland relating to Offences against the Person.	The whole.
11 Geo. 4 & 1 Will. 4, c. 66	An Act for reducing into One Act all such Forgeries as shall henceforth be punished with Death, and for otherwise amending the Laws relative to Forgery.	The whole, except section twenty-one.
2 & 3 Will. 4, c. 4	An Act for more effectually preventing Embezzlements by Persons employed in the Public Service of His Majesty.	The whole.
2 & 3 Will. 4, c. 34	An Act for consolidating and amending the Laws against Offences relating to the Coin.	The whole, as to the whole United Kingdom.
2 & 3 Will. 4, c. 75	An Act for regulating the Schools of Anatomy.	Section sixteen.
2 & 3 Will. 4, c. 123	An Act for abolishing the Punishment of Death in certain Cases of Forgery.	The whole.
3 & 4 Will. 4, c. 44	An Act to repeal so much of Two Acts of the Seventh and Eighth Years and the Ninth Year of King George the Fourth as inflicts the Punishment of Death upon Persons breaking, entering, or stealing in a Dwelling House; also for giving Power to the Judges to add to the Punishment of Transportation for Life in certain Cases of Forgery, and in certain other Cases.	The whole.
4 & 5 Will. 4, c. 26	An Act to abolish the Practice of hanging the Bodies of Criminals in Chains.	Section two.

References to Act.	Title of Act.	Extent of Repeal.
5 & 6 Will. 4, c. 34 (I.)	An Act to amend Two Clerical Errors contained in an Act passed in the Ninth Year of the Reign of his late Majesty King George the Fourth, intituled "An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith."	The whole.
5 & 6 Will. 4, c. 81	An Act for abolishing Capital Punishments in Cases of Letter Stealing and Sacilege.	So much as relates to the punishment of any person who shall break and enter any church or chapel, and steal therein any chattel, or having stolen any chattel in any church or chapel shall break out of the same, and to principals in the second degree and accessories in such offences. So much as alters and amends that part of the 5 & 6 Will. 4, c. 81, which is hereby repealed.
6 & 7 Will. 4, c. 4	An Act to amend the Act of the last Session for abolishing Capital Punishments in Cases of Letter Stealing and Sacilege.	The whole.
6 & 7 Will. 4, c. 30	An Act to repeal so much of Two Acts of the Ninth and Tenth Years of King George the Fourth as directs the Period of the Execution and the Prison Discipline of Persons convicted of the Crime of Murder.	Section forty-three.
6 & 7 Will. 4, c. 86	An Act for registering Births, Deaths, and Marriages in England.	So much of section three as empowers the Court to direct sentence of death to be recorded in cases of murder.
7 Will. 4 & 1 Vict. c. 77	An Act to assimilate the Practice of the Central Criminal Court to the other Courts of Criminal Judicature within the Kingdom of England and Wales with respect to offenders liable to the Punishment of Death.	So much of sections one and three as relates to the forging, altering, offering, uttering, disposing of, or putting off any will, testament, codicil, or testamentary writing, or any power of attorney, or other authority therein mentioned, and to principals in the second degree and accessories before the fact in such offences, and so much of sections two and three as relates to the punishment of any offence created by or formerly punishable under any enactment in this schedule before mentioned and hereby repealed.
7 Will. 4 & 1 Vict. c. 84	An Act to abolish the Punishment of Death in Cases of Forgery.	The whole.
7 Will. 4 & 1 Vict. c. 85	An Act to amend the Laws relating to Offences against the Person.	The whole.
7 Will. 4 & 1 Vict. c. 86	An Act to amend the Laws relating to Burglary and Stealing in a Dwelling House.	The whole.
7 Will. 4 & 1 Vict. c. 87	An Act to amend the Laws relating to Robbery and stealing from the Person.	The whole.
7 Will. 4 & 1 Vict. c. 89	An Act to amend the Laws relating to burning or destroying Buildings and Ships.	The whole.
7 Will. 4 & 1 Vict. c. 90	An Act to amend the Law relative to Offences punishable by Transportation for Life.	The whole, except section five.
2 & 3 Vict. c. 58	An Act to make further Provision for the Administration of Justice, and for improving the Practice and Proceedings in the Courts of the Stannaries of Cornwall, and for the Prevention of Frauds by Workmen employed in the Mines within the County of Cornwall.	Section ten.
3 & 4 Vict. c. 97	An Act for regulating Railways.	Section fifteen.
4 & 5 Vict. c. 56	An Act for taking away the Punishment of Death in certain Cases, and substituting other Punishments in lieu thereof.	Sections two and three, and so much of section one as relates to embranglements by officers or servants of the Bank of England.
5 & 6 Vict. c. 28 (I.)	An Act to assimilate the Law in Ireland as to the Punishment of Death to the Law in England; to abolish the Punishment of Death in certain Cases in Ireland, and to substitute other Punishments in lieu thereof.	Sections four, thirteen, fourteen, and fifteen, and so much of section seven as alters the punishment contained in any enactment hereby repealed, and so much of section eighteen as relates to principals in the second degree and accessories before the fact to any offence mentioned in the said sections four, thirteen, fourteen, and fifteen, or in the said part of the said section eighteen hereby repealed.

References to Act.	Title of Act.	Extent of Repeal.
5 & 6 Vict. c. 39	An Act to amend the Law relating to Advances <i>bonâ fide</i> made to Agents intrusted with Goods.	Section six.
5 & 6 Vict. c. 66	An Act for further regulating the Preparation and Issue of Exchequer Bills.	Sections nine and ten.
5 & 6 Vict. c. 106 (I.)	An Act to regulate the Irish Fisheries.	Sections eleven and twelve.
6 & 7 Vict. c. 10	An Act for removing Doubts as to the Punishment which may be awarded under the Provisions of an Act of the Fourth and Fifth Years of Her present Majesty, "for taking away the Punishment of Death in certain Cases," for certain Offences therein specified.	The whole.
7 & 8 Vict. c. 62	An Act to amend the Law as to burning Farm Buildings.	The whole.
7 & 8 Vict. c. 81 (I.)	An Act for Marriages in Ireland, and for registering such Marriages.	Section seventy-five.
8 & 9 Vict. c. 44	An Act for the better Protection of Works of Art and Scientific and Literary Productions.	The whole.
8 & 9 Vict. c. 47	An Act for the further Prevention of the Offence of Dog Stealing.	The whole.
8 & 9 Vict. c. 108 (I.)	An Act for the further Amendment of an Act of the Sixth Year of Her present Majesty for regulating the Irish Fisheries.	Section eighteen.
9 & 10 Vict. c. 25	An Act for preventing malicious Injuries to Persons and Property by Fire or by explosive or destructive Substances.	The whole.
10 & 11 Vict. c. 66	An Act for extending the Provisions of the Law respecting threatening Letters, and accusing Parties with a view to extort Money.	The whole.
11 & 12 Vict. c. 46	An Act for the Removal of Defects in the Administration of Criminal Justice.	Sections one, two, and three.
12 & 13 Vict. c. 11	An Act to amend the Laws of England and Ireland relative to Larceny and other Offences connected therewith.	The whole.
12 & 13 Vict. c. 76	An Act to protect Women from fraudulent Practices for procuring their Defilement.	The whole.
13 & 14 Vict. c. 72 (I.)	An Act to amend the Laws for the Registration of Assurances of Lands in Ireland.	Section sixty-two.
13 & 14 Vict. c. 88 (I.)	An Act to amend the Law relating to Engines used in the Rivers and on the Sea-coasts of Ireland for the taking of Fish.	Section forty-two.
14 & 15 Vict. c. 11	An Act for the better Protection of Persons under the Care and Control of others as Apprentices or Servants; and to enable the Guardians and Overseers of the Poor to institute and conduct Prosecutions in certain Cases.	Sections one, two, six, and seven.
14 & 15 Vict. c. 19	An Act for the better Prevention of Offences.	Sections one, two, three, four, six, seven, eight, and nine.
14 & 15 Vict. c. 92 (I.)	An Act to consolidate and amend the Acts relating to certain Offences and other Matters, as to which Justices of the Peace exercise summary jurisdiction in Ireland.	Sections two, three, four, and five.
14 & 15 Vict. c. 100	An Act for further improving the Administration of Criminal Justice.	Sections four, six, eight, eleven, thirteen, fourteen, fifteen, sixteen, seventeen, and so much of section five as relates to forging or uttering any instrument, and so much of section twenty-nine as relates to any indecent assault, or any assault occasioning actual bodily harm, or any attempt to have carnal knowledge of a girl under twelve years of age.
16 & 17 Vict. c. 23	An Act for redeeming or commuting the Annuity payable to the South Sea Company, and certain Annuities of Three Pounds per Centum per Annum, and for creating new Annuities of Three Pounds Ten Shillings per Centum per Annum, and Two Pounds Ten Shillings per Centum per Annum, and issuing Exchequer Bonds.	Section forty-one.

References to Act.	Title of Act.	Extent of Repeal.
16 & 17 Vict. c. 30	An Act for the better Prevention and Punishment of aggravated Assaulls upon Women and Children, and for preventing Delay and Expense in the Administration of certain Parts of the Criminal Law.	Section one.
16 & 17 Vict. c. 99	An Act to substitute in certain Cases other Punishment in lieu of Transportation.	Section twelve.
16 & 17 Vict. c. 102	An Act to prevent the defacing of the current coin of the Realm.	The whole, as to the whole United Kingdom.
16 & 17 Vict. c. 113	An Act to amend the Procedure in the Superior Courts of Common Law in Ireland.	So much of section seventy-one as relates to any action which shall be commenced against any person for anything done in pursuance of any of the Acts of this session for consolidating and amending the statute law of England and Ireland relating to larceny, malicious injuries, and coin. Sections ten and eleven.
16 & 17 Vict. c. 132	An Act to extend the Provisions of an Act of the present Session for redeeming or communting the Annuity payable to the South Sea Company and certain Annuities of Three Pounds per Centum per Annum, and to provide for Payments to be made under the said Act.	
17 & 18 Vict. c. 33	An Act to place Public Statues within the Metropolitan Police District under the Control of the Commissioners of her Majesty's Works and Public Buildings.	Section six.
20 & 21 Vict. c. 54	An Act to make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons intrusted with Property.	The whole.
21 & 22 Vict. c. 3	An Act for enabling the East India Company to raise Money in the United Kingdom for the Service of the Government of India.	Section ten.
21 & 22 Vict. c. 47	An Act to amend the Law of false Pretences.	The whole.
21 & 22 Vict. c. 79	An Act to amend the Law relating to Cheques or Drafts on Bankers.	Section three.
21 & 22 Vict. c. 106	An Act for the better Government of India.	Section fifty.
22 Vict. c. 11	An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India.	Section ten.
22 & 23 Vict. c. 32	An Act to amend the Law concerning the Police in Counties and Boroughs in England and Wales.	Section twenty-five.
22 & 23 Vict. c. 39	An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India.	Section thirteen.
23 & 24 Vict. c. 8	An Act to amend the Law relating to the unlawful administering of Poison.	The whole.
23 & 24 Vict. c. 29	An Act to amend an Act relative to Malicious Injuries to Property.	The whole.
23 & 24 Vict. c. 109	An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India.	Section thirteen.

CAP. XCVI.

An Act to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences.

[6th August, 1861.]

WHEREAS it is expedient to consolidate and amend the Statute Law of England and Ireland relating to larceny and other similar offences: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Interpretation of terms.*] In the interpretation of this Act:

“Document of title to goods.”] The term “document of title to goods” shall include any bill of lading, India warrant, dock warrant, warehouse keeper's certificate, warrant or order for the delivery or transfer of any goods or valuable thing, bought and sold note, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize, either by indorsement or by delivery, the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to:

“Document of title to lands.”] The term “document of title to lands” shall include any deed, map, paper, or parchment, written or printed, or partly written and partly printed, being or containing evidence of the title, or any part of the title, to any real estate, or to any interest in or out of any real estate:

“Trustee.”] The term “trustee” shall mean a trustee on some express trust created by some deed, will, or instrument in writing, and shall include the heir, or personal representative, of any such trustee, and any other person upon or to whom the duty of such trust shall have devolved or come, and also an executor and administrator, and an official manager, assignee, liquidator, or other like officer, acting under any present or future Act relating to joint stock companies, bankruptcy, or insolvency:

“Valuable security.”] The term “valuable security” shall include any order, exchequer acquaintance, or other security whatsoever entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of the United Kingdom or of Great Britain, or of Ireland, or of any foreign state, or in any fund of any body corporate, company, or society, whether within the United Kingdom or in any foreign state or company, or to any deposit in any bank, and shall also include any debenture, deed, bond, bill, note, warrant, order, or other security whatsoever for money or for payment of money, whether of the United Kingdom, or of Great Britain, or of Ireland, or of any foreign state, and any document of title to lands or goods as herein-before defined:

“Property.”] The term “property” shall include every description of real and personal property, money, debts, and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods, and shall also include not only such property as shall have been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and any thing acquired by such conversion or exchange, whether immediately or otherwise:

“Night.”] For the purposes of this Act the night shall be deemed to commence at nine of the clock in the evening of each day, and to conclude at six of the clock in the morning of the next succeeding day.

2. All larcenies to be of the same nature.] Every larceny, whatever be the value of the property stolen, shall be deemed to be of the same nature, and shall be subject to the same incidents, in all respects, as grand larceny was before the first day of June, one thousand eight hundred and twenty-seven; and every court whose power as to the trial of larceny was before that time limited to petty larceny, shall have power to try every case of larceny, the punishment of which cannot exceed the punishment hereinafter mentioned for simple larceny, and also to try all accessories to such larceny.

3. Bailees fraudulently converting property guilty of larceny.] Whosoever, being a bailee of any chattel, money, or valuable security, shall fraudulently take or convert the same to his own use, or the use of any person other than the owner thereof, although he shall not break bulk, or otherwise determine the bailment, shall be guilty of larceny, and may be convicted thereof upon an indictment for larceny; but this section shall not extend to any offence punishable on summary conviction.

4. Punishment for simple larceny.] Whosoever shall be convicted of simple larceny, or of any felony hereby made punishable like simple larceny, shall (except in the cases hereinafter otherwise provided for) be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

5. Three larcenies within six months may be charged in one indictment.] It shall be lawful to insert several counts in the same indictment against the same person for any number of distinct acts of stealing, not exceeding three, which may have been committed by him against the same person within the space of six months, from the first to the last of such acts, and to proceed thereon for all or any of them.

6. Where a single taking is charged, and several takings at different times are proved.] If upon the trial of any indict-

ment for larceny it shall appear that the property alleged in such indictment to have been stolen at one time was taken at different times, the prosecutor shall not by reason thereof be required to elect upon which taking he will proceed, unless it shall appear that there were more than three takings, or that more than the space of six months elapsed between the first and the last of such takings; and in either of such last-mentioned cases the prosecutor shall be required to elect to proceed for such number of takings, not exceeding three, as appear to have taken place within the period of six months from the first to the last of such takings.

7. Larceny, after a conviction for felony.] Whosoever shall commit the offence of simple larceny after a previous conviction for felony, whether such conviction shall have taken place upon an indictment, or under the provisions of the Act passed in the session held in the eighteenth and nineteenth years of Queen Victoria, chapter one hundred and twenty-six, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

8. Larceny after conviction of an indictable misdemeanor under this Act.] Whosoever shall commit the offence of simple larceny, or any offence hereby made punishable like simple larceny, after having been previously convicted of any indictable misdemeanor punishable under this Act, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

9. Larceny after two summary convictions. 7 & 8 Geo. 4, cc. 29, 30; 9 Geo. 4, cc. 55, 56; 10 & 11 Vict. c. 82; 11 & 12 Vict. c. 59; 14 & 15 Vict. c. 92; 24 & 25 Vict. c. 97.] Whosoever shall commit the offence of simple larceny, or any offence hereby made punishable like simple larceny, after having been twice summarily convicted of any of the offences punishable upon summary conviction, under the provisions contained in the Act of the session held in the seventh and eighth years of King George the Fourth, chapter twenty-nine, or the Act of the same session, chapter thirty, or the Act of the ninth year of King George the Fourth, chapter fifty-five, or the Act of the same year, chapter fifty-six, or the Act of the session held in the tenth and eleventh years of Queen Victoria, chapter eighty-two, or the Act of the session held in the eleventh and twelfth years of Queen Victoria, chapter fifty-nine, or in sections three, four, five, and six of the Act of the session held in the fourteenth and fifteenth years of Queen Victoria, chapter ninety-two, or in this Act, or the Act of this session, intituled “An Act to consolidate and amend the Statute Law of England and Ireland relating to Malicious Injuries to Property,” (whether each of the convictions shall have been in respect of an offence of the same description or not, and whether such convictions or either of them shall have been or shall be before or after the passing of this Act,) shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

As to Larceny of cattle or other animals:

10. Stealing horses, cows, sheep, &c.] Whosoever shall steal any horse, mare, gelding, colt, or filly, or any bull, cow, ox, heifer, or calf, or any ram, ewe, sheep, or lamb, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

11. Killing animals with intent to steal the carcase, &c.] Whosoever shall wilfully kill any animal, with intent to steal the carcase, skin, or any part of the animal so killed, shall be guilty of felony, and being convicted thereof shall be liable to the same punishment as if he had been convicted of feloniously stealing the same, provided the offence of stealing the animal so killed would have amounted to felony.

12. *Stealing deer in an uninclosed part of a forest. Second offence.]* Whosoever shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, any deer kept or being in the uninclosed part of any forest, chase, or purlieu, shall for every such offence, on conviction thereof before a justice of the peace, forfeit and pay such sum, not exceeding fifty pounds, as to the justice shall seem meet; and whosoever having been previously convicted of any offence relating to deer, for which a pecuniary penalty shall have been imposed by this or any former Act of parliament, shall afterwards commit any of the offences hereinbefore enumerated, whether such second offence be of the same description as the first or not, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

13. *Stealing deer in any inclosed ground.]* Whosoever shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any deer kept or being in the inclosed part of any forest, chase, or purlieu, or in any inclosed land where deer shall be usually kept, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

14. *Suspected persons found in possession of venison, &c., and not satisfactorily accounting for it. Penalty. In case they cannot be convicted, how the justice may proceed.]* If any deer, or the head, skin, or other part thereof, or any snare or engine for the taking of deer, shall be found in the possession of any person or on the premises of any person with his knowledge, and such person being taken, or summoned before a justice of the peace, shall not satisfy the justice that he came lawfully by such deer, or the head, skin, or other part thereof, or had a lawful occasion for such snare or engine, and did not keep the same for any unlawful purpose, he shall, on conviction by the justice, forfeit and pay any sum not exceeding twenty pounds; and if any such person shall not under the said provision be liable to conviction, then for the discovery of the party who actually killed or stole such deer, the justice at his discretion, as the evidence given and the circumstances of the case shall require, may summon before him every person through whose hands such deer, or the head, skin, or other part thereof, shall appear to have passed; and if the person from whom the same shall have been first received, or who shall have had possession thereof, shall not satisfy the justice that he came lawfully by the same, he shall, on conviction by the justice, be liable to the payment of such sum of money as is hereinbefore last mentioned.

15. *Setting engines for taking deer or pulling down park fences.]* Whosoever shall unlawfully and wilfully set or use any snare or engine whatsoever, for the purpose of taking or killing deer, in any part of any forest, chase, or purlieu, whether such part be inclosed or not, or in any fence or bank dividing the same from any land adjoining, or in any inclosed land where deer shall be usually kept, or shall unlawfully or wilfully destroy any part of the fence of any land where any deer shall be then kept, shall, on conviction thereof before a justice of the peace, forfeit and pay such sum of money, not exceeding twenty pounds, as to the justice shall seem meet.

16. *Deer keepers, &c., may seize the guns, &c., of offenders, who on demand do not deliver up the same. Penalty on resistance to keepers, &c., in the execution of their duty.]* If any person shall enter into any forest, chase, or purlieu, whether inclosed or not, or into any inclosed land where deer shall be usually kept, with intent unlawfully to hunt, course, wound, kill, snare, or carry away any deer, every person entrusted with the care of such deer, and any of his assistants, whether in his presence or not, may demand for every such offender any gun, fire-arms, snare, or engine in his possession, and any dog there brought for hunting, coursing, or killing deer, and in case such offender shall not immediately deliver up the same, may seize and take the same from him in any of those respective places, or upon pursuit made, in any other place to which he may have escaped therefrom, for the use of the owner of the deer; and if any such offender shall unlawfully beat or wound any person intrusted with the care of the deer, or any of his assistants, in the execution of any of the powers given by this Act, every such offender shall be guilty of felony, and being convicted thereof shall

be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

17. *Killing, &c., hares or rabbits in a warren in the night time. The like in the daytime. Exception.]* Whosoever shall unlawfully and wilfully, between the expiration of the first hour after sunset and the beginning of the last hour before sunrise, take or kill any hare or rabbit in any warren or ground lawfully used for the breeding or keeping of hares or rabbits, whether the same be inclosed or not, shall be guilty of a misdemeanor; and whosoever shall unlawfully and wilfully, between the beginning of the last hour before sunrise and the expiration of the first hour after sunset, take or kill any hare or rabbit in any such warren or ground, or shall at any time set or use therein any snare or engine for the taking of hares or rabbits, shall, on conviction thereof before a justice of the peace, forfeit and pay such sum of money, not exceeding five pounds, as to the justice shall seem meet; provided that nothing in this section contained shall affect any person taking or killing in the daytime any rabbits on any sea bank or river bank in the county of Lincoln, so far as the tide shall extend, or within one furlong of such bank.

18. *Stealing dogs. Second offence.]* Whosoever shall steal any dog shall, on conviction thereof before two justices of the peace, either be committed to the common gaol or house of correction, there to be imprisoned, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or shall forfeit and pay, over and above the value of the said dog, such sum of money, not exceeding twenty pounds, as to the said justices shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act of Parliament, shall afterwards steal any dog, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eighteen months, with or without hard labour.

19. *Possession of stolen dogs. Second offence.]* Whosoever shall unlawfully have in his possession or on his premises any stolen dog, or the skin of any stolen dog, knowing such dog to have been stolen or such skin to be the skin of stolen dog, shall, on conviction thereof before two justices of the peace, be liable to pay such sum of money, not exceeding twenty pounds, as to such justices shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act of Parliament, shall afterwards be guilty of any such offence as in this section before mentioned, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eighteen months, with or without hard labour.

20. *Taking money to restore dogs.]* Whosoever shall corruptly take any money or reward, directly or indirectly, under pretence or upon account of aiding any person to recover any dog which shall have been stolen, or which shall be in the possession of any person not being the owner thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eighteen months, with or without hard labour.

21. *Stealing beasts or birds ordinarily kept in confinement, and not the subjects of larceny. Second offence.]* Whosoever shall steal any bird, beast, or other animal ordinarily kept in a state of confinement or for any domestic purpose, not being the subject of larceny at common law, or shall wilfully kill any such bird, beast, or animal, with intent to steal the same or any part thereof, shall, on conviction therefore before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the bird, beast, or other animal, such sum of money, not exceeding twenty pounds, as to the justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act of Parliament, shall afterwards commit any offence in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term not exceeding twelve months as the convicting justice shall think fit.

22. Persons found in possession of stolen beasts, &c., liable to penalties. [If any such bird, or any of the plumage thereof, or any dog, or any such beast, or the skin thereof, or any such animal, or any part thereof, shall be found in the possession or on the premises of any person, any justice may restore the same respectively to the owner thereof; and any person in whose possession or on whose premises such bird or the plumage thereof, or such beast or the skin thereof, or such animal or any part thereof, shall be so found, (such person knowing that the bird, beast, or animal has been stolen, or that the plumage is the plumage of a stolen bird, or that the skin is the skin of a stolen beast, or that the part is a part of a stolen animal,) shall, on conviction before a justice of the peace, be liable for the first offence to such forfeiture, and for every subsequent offence to such punishment, as any person convicted of stealing any beast or bird is made liable to by the last preceding section.

23. Killing pigeons. [Whosoever shall unlawfully and wilfully kill, wound, or take any house dove or pigeon under such circumstances as shall not amount to larceny at common law, shall, on conviction before a justice of the peace, forfeit and pay, over and above the value of the bird, any sum not exceeding two pounds.

24. Taking fish in any water situate in land belonging to a dwelling house; in a private fishery elsewhere. Provision respecting anglers. Provision as to boundaries of parishes. [Whoever shall unlawfully and wilfully take or destroy any fish in any water which shall run through or be in any land adjoining or belonging to the dwelling house of any person being the owner of such water, or having a right of fishery therein, shall be guilty of a misdemeanor; and whosoever shall unlawfully and wilfully take or destroy, or attempt to take or destroy, any fish in any water not being such as hereinbefore mentioned, but which shall be private property, or in which there shall be any private right of fishery, shall, on conviction thereof before a justice of the peace, forfeit and pay, over and above the value of the fish taken or destroyed (if any), such sum of money, not exceeding five pounds, as to the justice shall seem meet: provided, that nothing hereinbefore contained shall extend to any person angling between the beginning of the last hour before sunrise and the expiration of the first hour after sunset; but whosoever shall by angling between the beginning of the last hour before sunrise and the expiration of the first hour after sunset unlawfully and wilfully take or destroy, or attempt to take or destroy, any fish in any such water as first mentioned, shall, on conviction before a justice of the peace, forfeit and pay any sum not exceeding five pounds; and if in any such water as last mentioned, he shall, on the like conviction, forfeit and pay any sum not exceeding two pounds as to the justice shall seem meet; and if the boundary of any parish, township, or vill shall happen to be in or by the side of any such water as is in this section before mentioned, it shall be sufficient to prove that the offence was committed either in the parish, township, or vill named in the indictment or information, or in any parish, township, or vill adjoining thereto.

25. The tackle of fishers may be seized. Angler, or seizure of his tackle, exempt from penalty. [If any person shall at any time be found fishing against the provisions of this Act, the owner of the ground, water, or fishery where such offender shall be so found, his servant, or any person authorized by him, may demand from such offender any rod, line, hook, net, or other implement for taking or destroying fish which shall then be in his possession, and in case such offender shall not immediately deliver up the same, may seize and take the same from him for the use of such owner: provided, that any person angling against the provisions of this Act, between the beginning of the last hour before sunrise and the expiration of the first hour after sunset, from whom any implement used by anglers shall be taken, or by whom the same shall be so delivered up, shall by the taking or delivering thereof be exempted from the payment of any damages or penalty for such angling.

26. Stealing or dredging for oysters in oyster fisheries. Form of indictment. Proviso as to floating fish. [Whoever shall steal any oysters or oyster brood from any oyster bed, laying, or fishery, being the property of any other person, and sufficiently marked out or known as such, shall be guilty of felony, and being convicted thereof shall be liable to be punished as in the case of simple larceny; and whosoever shall unlawfully and wilfully use any dredge, or any net, instrument, or engine whatsoever, within the limits of any oyster bed, laying, or fishery, being the property of any other person, and suffi-

ciently marked out or known as such, for the purpose of taking oysters or oyster brood, although none shall be actually taken, or shall unlawfully and wilfully, with any net, instrument, or engine, drag upon the ground or soil of any such fishery, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding three months, with or without hard labour, and with or without solitary confinement; and it shall be sufficient in any indictment to describe either by name or otherwise the bed, laying, or fishery in which any of the said offences shall have been committed, without stating the same to be in any particular parish, township, or vill: provided, that nothing in this section contained shall prevent any person from catching or fishing for any floating fish within the limits of any oyster fishery with any net, instrument, or engine adapted for taking floating fish only.

As to larceny of written instruments:

27. Bonds, bills, notes, &c. [Whosoever shall steal, or shall for any fraudulent purpose destroy, cancel, or obliterate the whole or any part of any valuable security, other than a document of title to lands, shall be guilty of felony, of the same nature, and in the same degree, and punishable in the same manner as if he had stolen any chattel of like value with the share, interest, or deposit to which the security so stolen may relate, or with the money due on the security so stolen, or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing represented, mentioned, or referred to in or by the security.

28. Deeds, &c., relating to real property. Form of indictment. [Whosoever shall steal, or shall for any fraudulent purpose destroy, cancel, obliterate, or conceal, the whole or any part of any document of title to lands shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and in any indictment for any such offence relating to any document of title to lands, it shall be sufficient to allege such document to be or to contain evidence of the title or of part of the title of the person or of some one of the persons having an interest, whether vested or contingent, legal or equitable, in the real estate to which the same relate, and to mention such real estate or some part thereof.

29. Wills or codicils. Other remedies not to be affected. [Whosoever shall, either during the life of the testator or after his death, steal, or for any fraudulent purpose destroy, cancel, obliterate, or conceal the whole or any part of any will, codicil, or other testamentary instrument, whether the same shall relate to real or personal estate, or to both, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and it shall not in any indictment for such offence be necessary to allege that such will, codicil, or other instrument is the property of any person: provided, that nothing in this or the last preceding section mentioned, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall prevent, lessen, or impeach any remedy at law or in equity which any party aggrieved by any such offence might or would have had if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him; and no person shall be liable to be convicted of any of the felonies in this and the last preceding section mentioned, by any evidence whatever, in respect of any act done by him, if he shall at any time previously to his being charged with such offence have first disclosed such act, on oath, in consequence of any compulsory process of any court of law or equity in any action, suit, or proceeding which shall have been *bona fide* instituted by any party aggrieved, or if he shall have first disclosed the same in any compulsory examination or deposition before any court upon the hearing of any matter in bankruptcy or insolvency.

30. Stealing records or other legal documents.—Form of indictment. [Whosoever shall steal, or shall for any fraudulent purpose take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall unlawfully and maliciously cancel, obliterate, injure, or destroy the whole or any part of any record, writ, return, panel, process, interrogatory, deposition, affidavit, rule, order, or warrant of attorney, or of any original document whatsoever of or be-

longing to any court of record, or relating to any matter, civil or criminal, begun, depending, or terminated in any such court, or of any bill, petition, answer, interrogatory, deposition, affidavit, order, or decree, or of any original document whatsoever or of belonging to any court of equity, or relating to any cause or matter begun, depending, or terminated in any such court, or of any original document in anywise relating to the business of any office or employment under her Majesty, and being or remaining in any office appertaining to any court of justice, or in any of her Majesty's castles, palaces, or houses, or in any government or public office, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and it shall not in any indictment for such offence be necessary to allege that the article in respect of which the offence is committed is the property of any person.

As to larceny of things attached to or growing on land:

31. *Metals, glass, wood, &c., fixed to house or land.*] Whosoever shall steal, or shall rip, cut, sever, or break with intent to steal, any glass or wood-work belonging to any building whatsoever, or any lead, iron, copper, brass, or other metal, or any utensil or fixture, whether made of metal or other material or of both, respectively fixed in or to any building whatsoever, or any thing made of metal fixed in any land being private property, or for a fence to any dwelling-house, garden, or area, or in any square or street, or in any place dedicated to public use or ornament, or in any burial ground, shall be guilty of felony, and being convicted thereof shall be liable to be punished as in the case of simple larceny; and in the case of any such thing fixed in any such square, street, or place as aforesaid, it shall not be necessary to allege the same to be the property of any person.

32. *Trees in pleasure grounds of the value of £1, or elsewhere of the value of £5.*] Whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, respectively growing in any park, pleasure ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling-house, shall (in case the value of the article or articles stolen, or the amount of the injury done, shall exceed the sum of one pound) be guilty of felony, and being convicted thereof shall be liable to be punished as in the case of simple larceny; and whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, respectively growing elsewhere than in any of the situations in this section before mentioned, shall (in case the value of the article or articles stolen, or the amount of the injury done, shall exceed the sum of five pounds) be guilty of felony, and being convicted thereof shall be liable to be punished as in the case of simple larceny.

33. *Stealing trees, shrubs, &c., wheresoever growing, and of any value above £1, punishable on summary conviction for first and second offence; third offence, felony. Second offence.* Third offence.] Whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, wheresoever the same may be respectively growing, the stealing of such article or articles, or the injury done, being to the amount of a shilling at the least, shall, on conviction thereof before a justice of the peace, forfeit and pay, over and above the value of the article or articles stolen, or the amount of the injury done, such sum of money not exceeding five pounds as to the justice shall seem meet; and whosoever having been convicted of any such offence, either against this or any former Act of Parliament, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall for such second offence be committed to the common gaol or house of correction, there to be kept to hard labour for such term not exceeding twelve months as the convicting justice shall think fit; and whosoever, having been twice convicted of any such offence (whether both or either of such convictions shall have taken place before or after the passing of this Act) shall afterwards commit any of the offences in this section before mentioned, shall be guilty of felony, and being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny.

34. *Stealing, &c., any live or dead fence, wooden fence, stile, or gate. Second offence.*] Whosoever shall steal, or shall cut, break, or throw down with intent to steal, any part of any live

or dead fence, or any wooden post, pale, wire, or rail set up or used as a fence, or any stile or gate, or any part thereof respectively, shall on conviction thereof before a justice of the peace, forfeit or pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding five pounds as to the justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act of Parliament, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour, for such term not exceeding twelve months as the convicting justice shall think fit.

35. *Suspected persons in possession of wood, &c., not satisfactorily accounting for it.*] If the whole or any part of any tree, sapling, or shrub, or any underwood, or any part of any live or dead fence, or any post, pale, wire, rail, stile, or gate, or any part thereof, being of the value of one shilling at the least, shall be found in the possession of any person, or on the premises of any person, with his knowledge, and such person, being taken or summoned before a justice of the peace, shall not satisfy the justice that he came lawfully by the same, he shall on conviction by the justice forfeit and pay, over and above the value of the article or articles so found, any sum not exceeding two pounds.

36. *Stealing, &c., any fruit or vegetable production in a garden, &c., punishable on summary conviction for first offence; second offence, felony.*] Whosoever shall steal, or shall destroy or damage with intent to steal, any plant, root, fruit, or vegetable production growing in any garden, orchard, pleasure ground, nursery ground, hothouse, greenhouse, or conservatory, shall, on conviction thereof before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding twenty pounds as to the justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act of Parliament, shall afterwards commit any of the offences in this section before mentioned, shall be guilty of felony, and being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny.

37. *Stealing, &c., vegetable productions not growing in gardens, &c. Second offence.*] Whosoever shall steal, or shall destroy or damage with intent to steal, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or inclosed, not being a garden, orchard, pleasure ground, or nursery ground, shall, on conviction thereof before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one month, or else shall forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding twenty shillings as to the justice shall seem meet, and in default of payment thereof together with the costs (if ordered), shall be committed as aforesaid for any term not exceeding one month, unless payment be sooner made; and whosoever, having been convicted of any such offence either against this or any former Act of Parliament, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour, for such term not exceeding six months as the convicting justice shall think fit.

As to larceny from mines:

38. *Ore of metal, coal, &c.*] Whosoever shall steal, or sever with intent to steal, the ore of any metal, or any lapis calaminaris, manganese or mundick, or any wad, black cawke, or black lead, or any coal or cannel coal, from any mine, bed, or vein thereof respectively, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

39. *Miners removing ore with intent to defraud.*] Whosoever, being employed in or about any mine, shall take, remove, or conceal any ore of any metal, or any lapis calaminaris

manganese, mundick, or other mineral found or being in such mine, with intent to defraud any proprietor of or any adventurer in such mine, or any workman or miner employed therein, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to larceny from the person, and other like offences:

40. *Robbery or stealing from the person.*] Whosoever shall rob any person, or shall steal any chattel, money, or valuable security from the person of another, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

41. *On trial for robbery, jury may convict of an assault with intent to rob.*] If upon the trial of any person upon any indictment for robbery it shall appear to the jury upon the evidence that the defendant did not commit the crime of robbery, but that he did commit an assault with intent to rob, the defendant shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is guilty of an assault with intent to rob; and therupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for feloniously assaulting with intent to rob; and no person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which he was so tried.

42. *Assault with intent to rob.*] Whosoever shall assault any person with intent to rob shall be guilty of felony, and being convicted thereof shall (save and except in the cases where a greater punishment is provided by this Act) be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

43. *Robbery or assault by a person, or by two or more, or robbery and wounding.*] Whosoever shall, being armed with any offensive weapon or instrument, rob, or assault with intent to rob, any person, or shall, together with one or more other person or persons, rob, or assault with intent to rob, any person, or shall rob any person, and at the time of or immediately before or immediately after such robbery shall wound, beat, strike, or use any other personal violence to any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

44. *Letter, demanding money, &c., with menaces.*] Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing demanding of any person with menaces, and without any reasonable or probable cause, any property, chattel, money, valuable security, or other valuable thing, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years, with or without whipping.

45. *Demanding money, &c., with menaces, or by force, with intent to steal.*] Whosoever shall with menaces or by force demand any property, chattel, money, valuable security, or other valuable thing of any person, with intent to steal the same, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

46. *Letter threatening to accuse of crime, with intent to extort. "Infamous crime" defined.*] Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing accusing or threatening to accuse any other person of any crime punishable by law, or with death or penal servitude for not less than seven years, or of any assault with intent to commit any rape, or of any attempt or endeavour to commit any rape, or of any infamous crime as hereinafter defined, with a view or intent in

any of such cases to extort or gain by means of such letter or writing any property, chattel, money, valuable security, or other valuable thing, from any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping; and the abominable crime of buggery, committed either with mankind or with beast, and every assault with intent to commit the said abominable crime, and every attempt or endeavour to commit the said abominable crime, and every solicitation, persuasion, promise, or threat offered or made to any person whereby to move or induce such person to commit or permit the said abominable crime, shall be deemed to be an infamous crime within the meaning of this Act.

47. *Accusing or threatening to accuse, with intent to extort.*] Whosoever shall accuse or threaten to accuse, either the person to whom such accusation or threat shall be made or any other person, of any of the infamous or other crimes lastly hereinbefore mentioned, with the view or intent in any of the cases last aforesaid to extort or gain from such person so accused or threatened to be accused, or from any other person any property, chattel, money, valuable security, or other valuable thing, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

48. *Inducing a person by violence or threats to execute deeds, &c., with intent to defraud.*] Whosoever, with intent to defraud or injure any other person, shall, by any unlawful violence to or restraint of, or threat of violence to or restraint of, the person of another, or by accusing or threatening to accuse any person of any treason, felony, or infamous crime as hereinbefore defined, compel or induce any person to execute, make, accept, indorse, alter, or destroy the whole or any part of any valuable security, or to write, impress, or affix his name, or the name of any other person, or of any company, firm, or co-partnership, or the seal of any body corporate, company, or society, upon or to any paper or parchment, in order that the same may be afterwards made or converted into, or used or dealt with as, a valuable security, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

49. *It shall be immaterial from whom the menaces proceed.*] It shall be immaterial whether the menaces or threats hereinbefore mentioned be of violence, injury, or accusation to be caused or made by the offender or by any other person.

As to sacrilege, burglary, and housebreaking:

50. *Breaking and entering a church or chapel and committing any felony.*] Whosoever shall break and enter any church, chapel, meeting house, or other place of divine worship, and commit any felony therein, or being in any church, chapel, meeting house, or other place of divine worship shall commit any felony therein and break out of the same, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

51. *Burglary by breaking out.*] Whosoever shall enter the dwelling house of another with intent to commit any felony therein, or being in such dwelling house shall commit any felony therein, and shall in either case break out of the said dwelling house in the night, shall be deemed guilty of burglary.

52. *Burglary.*] Whosoever shall be convicted of the crime of burglary shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

53. *What building within the curtilage shall be deemed part of the dwelling-house.*] No building, although within the cur-

curtilage with any dwelling house, and occupied therewith, shall be deemed to be part of such dwelling house for any of the purposes of this Act, unless there shall be a communication between such building and dwelling house, either immediate, or by means of a covered and enclosed passage, leading from the one to the other.

54. *Entering a dwelling-house in the night with intent to commit any felony.*] Whosoever shall enter any dwelling-house in the night with intent to commit any felony therein, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

55. *Breaking into any building within the curtilage which is so part of the dwelling-house and committing any felony.*] Whosoever shall break and enter any building, and commit any felony therein, such building being within the curtilage of a dwelling-house, and occupied therewith, but not being part thereof, according to the provision herein-before mentioned, or being in any such building shall commit any felony therein, and break out of the same, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

56. *Breaking into any house, shop, warehouse, &c., and committing any felony.*] Whosoever shall break and enter any dwelling-house, school-house, shop, warehouse, or counting-house, and commit any felony therein, or, being in any dwelling-house, school-house, shop, warehouse, or counting-house, shall commit any felony therein, and break out of the same, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

57. *Housebreaking, &c., with intent to commit any felony.*] Whosoever shall break and enter any dwelling-house, church, chapel, meeting-house, or other place of divine worship, or any building within the curtilage, school-house, shop, warehouse, or counting-house, with intent to commit any felony therein, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

58. *Being armed with intent to break and enter any house in the night.*] Whosoever shall be found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter into any dwelling-house or other building whatsoever, and to commit any felony therein, or shall be found by night having in his possession without lawful excuse (the proof of which excuse shall lie on such person) any picklock key, crow, jack, bit, or other implement of house-breaking, or shall be found by night having his face blackened or otherwise disguised with intent to commit any felony, or shall be found by night in any dwelling-house or other building whatsoever with intent to commit any felony therein, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

59. *The like after a previous conviction for felony, &c.*] Whosoever shall be convicted of any such misdemeanour as in the last preceding section mentioned, committed after a previous conviction, either for felony or such misdemeanour, shall on such subsequent conviction be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour.

As to larceny in the house:

60. *Stealing in a dwelling-house to the value of £5.*] Whosoever shall steal in any dwelling-house any chattel, money, or valuable security, to the value in the whole of five pounds or more, shall be guilty of felony, and being convicted thereof

shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

61. *Stealing in a dwelling-house with menaces.*] Whosoever shall steal any chattel, money, or valuable security in any dwelling-house, and shall by any menace or threat put any one being therein in bodily fear, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to larceny in manufactures:

62. *Stealing goods in process of manufacture.*] Whosoever shall steal, to the value of ten shillings, any woolen, linen, hempen, or cotton yarn, or any goods or article of silk, woollen, linen, cotton, alpaca, or mohair, or of any one or more of those materials mixed with each other, or mixed with any other material, whilst laid, placed, or exposed, during any stage, process, or progress of manufacture, in any building, field, or other place, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to larceny in ships, wharfs, &c.:

63. *Stealing from ships, docks, wharfs, &c.*] Whosoever shall steal any goods or merchandise in any vessel, barge, or boat of any description whatsoever in any haven, or in any port of entry or discharge, or upon any navigable river or canal, or in any creek or basin belonging to or communicating with any such haven, port, river, canal, or shall steal any goods or merchandise from any dock, wharf, or quay adjacent to any such haven, port, river, canal, creek, or basin, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

64. *Stealing from ship in distress or wrecked.*] Whosoever shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and the offender may be indicted and tried either in the county or place in which the offence shall have been committed or in any county or place next adjoining.

65. *Persons in possession of shipwrecked goods not giving a satisfactory account.*] If any goods, merchandise, or articles of any kind, belonging to any ship or vessel in distress, or wrecked, stranded, or cast on shore, shall be found in the possession of any person, or on the premises of any person with his knowledge, and such person, being taken or summoned before a justice of the peace, shall not satisfy the justice that he came lawfully by the same, then the same shall, by order of the justice, be forthwith delivered over to or for the use of the rightful owner thereof; and the offender shall, on conviction of such offence before the justice, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the goods, merchandise, or articles, such sum of money not exceeding twenty pounds as to the justice shall seem meet.

66. *If any person offers shipwrecked goods for sale, the goods may be seized, &c.*] If any person shall offer or expose for sale any goods, merchandise, or articles whatsoever, which shall have been unlawfully taken, or shall be reasonably suspected to have been taken, from any ship or vessel in distress, or wrecked, stranded, or cast on shore, in every such case any person to whom the same shall be offered for sale, or any officer of the Customs or Excise, or peace officer, may lawfully

seize the same, and shall with all convenient speed carry the same, or give notice of such seizure, to some justice of the peace; and if the person who shall have offered or exposed the same for sale, being summoned by such justice, shall not appear and satisfy the justice that he came lawfully by such goods, merchandise, or articles, then the same shall, by order of the justice, be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the justice) to the person who seized the same; and the offender shall, on conviction of such offence by the justice, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the goods, merchandise, or articles, such sum of money not exceeding twenty pounds as to the justice shall seem meet.

As to larceny or embezzlement by clerks, servants, or persons in the public service:

67. *Larceny by clerks or servants.*] Whosoever, being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, shall steal any chattel, money, or valuable security belonging to or in the possession or power of his master or employer, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

68. *Embezzlement by clerks or servants.*] Whosoever, being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, shall fraudulently embezzle any chattel, money, or valuable security, which shall be delivered to or received or taken into possession by him for or in the name or on the account of his master or employer, or any part thereof, shall be deemed to have feloniously stolen the same from his master or employer, although such chattel, money, or security was not received into the possession of such master or employer otherwise than by the actual possession of his clerk, servant, or other person so employed, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

69. *Larceny by persons in the Queen's service or by the police.*] Whosoever being employed in the public service of her Majesty, or being a constable or other person employed in the police of any county, city, borough, district, or place whatsoever, shall steal any chattel, money, or valuable security belonging to or in the possession or power of her Majesty, or intrusted to or received or taken into possession by him by virtue of his employment, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

70. *Embezzlement by persons in the Queen's service, or by the police. Venue. Form of warrant of commitment and indictment.*] Whosoever, being employed in the public service of her Majesty, or being a constable or other person employed in the police of any county, city, borough, district, or place whatsoever, and intrusted by virtue of such employment with the receipt, custody, management, or control of any chattel, money, or valuable security, shall embezzle any chattel, money, or valuable security which shall be intrusted to or received or taken into possession by him by virtue of his employment, or any part thereof, or in any manner fraudulently apply or dispose of the same or any part thereof to his own use or benefit, or for any purpose whatsoever except for the public service, shall be deemed to have feloniously stolen the same from her Majesty, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour; and every offender against this or the last preceding section may be dealt with, indicted, tried, and punished either in the county or place in which he

shall be apprehended or be in custody, or in which he shall have committed the offence; and in every case of larceny, embezzlement, or fraudulent application or disposition of any chattel, money, or valuable security in this and the last preceding section mentioned, it shall be lawful in the warrant of commitment by the justice of the peace before whom the offender shall be charged, and in the indictment to be preferred against such offender, to lay the property of any such chattel, money, or valuable security in her Majesty.

71. *Distinct acts of embezzlement may be charged in the same indictment.*] For preventing difficulties in the prosecution of offenders in any case of embezzlement, fraudulent application or disposition, hereinbefore mentioned, it shall be lawful to charge in the indictment and proceed against the offender for any number of distinct acts of embezzlement, or of fraudulent application or disposition, not exceeding three, which may have been committed by him against her Majesty or against the same master or employer, within the space of six months from the first to the last of such acts; and in every such indictment where the offence shall relate to any money or any valuable security it shall be sufficient to allege the embezzlement, or fraudulent application or disposition, to be of money, without specifying any particular coin or valuable security; and such allegation, so far as regards the description of the property, shall be sustained if the offender shall be proved to have embezzled or fraudulently applied or disposed of any amount, although the particular species of coin or valuable security of which such amount was composed shall not be proved; or if he shall be proved to have embezzled or fraudulently applied or disposed of any piece of coin or any valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, or to some other person, and such part shall have been returned accordingly.

72. *Person indicted for embezzlement as a clerk, &c., to be acquitted if the offence turn out to be larceny; and vice versa.*] If upon the trial of any person indicted for embezzlement, or fraudulent application or disposition as aforesaid, it shall be proved that he took the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of embezzlement, or fraudulent application or disposition, but is guilty of simple larceny, or of larceny as a clerk, servant, or person employed for the purpose or in the capacity of a clerk or servant, or as a person employed in the public service, or in the police, as the case may be; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such larceny; and if upon the trial of any person indicted for larceny it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement, or fraudulent application or disposition as aforesaid, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of larceny, but is guilty of embezzlement, or fraudulent application or disposition, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such embezzlement, fraudulent application or disposition; and no person so tried for embezzlement, fraudulent application or disposition, or larceny as aforesaid, shall be liable to be afterwards prosecuted for larceny, fraudulent application or disposition, or embezzlement, upon the same facts.

73. *Embezzlement by the officers of the Bank of England or Ireland.*] Whosoever, being an officer or servant of the Governor and Company of the Bank of England or of the Bank of Ireland, and being intrusted with any bond, deed, note, bill, dividend warrant, or warrant for payment of any annuity or interest, or money, or with any security, money, or other effects of or belonging to the said governor and company, or having any bond, deed, note, bill, dividend warrant, or warrant for payment of any annuity or interest, or money, or any security, money, or other effects of any other person, body politic or corporate, lodged or deposited with the said governor and company, or with him as an officer or servant of the said governor and company, shall secrete, embezzle, or run away with any such bond, deed, note, bill, dividend or other warrant, security, money, or other effects as aforesaid, or any part thereof, shall be guilty of felony, and being convicted thereto shall be liable, at the discretion of the Court, to be kept in

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penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to larceny by tenants or lodgers:

74. *Tenant or lodger stealing chattel or fixture let to hire with house or lodgings.*] Whosoever shall steal any chattel or fixture let to be used by him or her in or with any house or lodging, whether the contract shall have been entered into by him or her or by her husband, or by any person on behalf of him or her or her husband, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping; and in case the value of such chattel or fixture shall exceed the sum of five pounds, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping; and in every case of stealing any chattel in this section mentioned it shall be lawful to prefer an indictment in the common form as for larceny, and in every case of stealing any fixture in this section mentioned to prefer an indictment in the same form as if the offender were not a tenant or lodger, and in either case to lay the property in the owner or person letting to hire.

As to frauds by agents, bankers, or factors:

75. *Agent, banker, &c., embezzeling money or selling securities, &c., intrusted to him; or goods, &c., intrusted to him for safe custody. Punishment. Not to affect trustees or mortgages; nor bankers, &c., receiving money due on securities; or disposing of securities on which they have a lien.*] Whosoever, having been intrusted, either solely, or jointly with any other person, as a banker, merchant, broker, attorney, or other agent, with any money or security for the payment of money, with any direction in writing to apply, pay, or deliver such money or security or any part thereof respectively, or the proceeds or any part of the proceeds of such security, for any purpose, or to any person specified in such direction, shall, in violation of good faith, and contrary to the terms of such direction, in any wise convert to his own use and benefit, or the use or benefit of any person other than the person by whom he shall have been so intrusted, such money, security, or proceeds, or any part thereof respectively; and whosoever, having been intrusted, either solely, or jointly with any other person, as a banker, merchant, broker, attorney, or other agent, with any chattel or valuable security, or any power of attorney for the sale or transfer of any share or interest in any public stock or fund, whether of the United Kingdom, or any part thereof, or of any foreign state, or in any stock or fund of any body corporate, company, or society, for safe custody or for any special purposes, without any authority to sell, negotiate, transfer, or pledge, shall, in violation of good faith, and contrary to the object or purpose for which such chattel, security, or power of attorney shall have been intrusted to him, sell, negotiate, transfer, pledge, or in any manner convert to his own use or benefit, or the use or benefit of any person other than the person by whom he shall have been so intrusted, such chattel or security, or the proceeds of the same, or any part thereof, or the share or interest in the stock or fund to which such power of attorney shall relate, or any part thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; but nothing in this section contained relating to agents shall affect any trustee in or under any instrument whatsoever, or any mortgagor of any property, real or personal, in respect of any act done by such trustee or mortgagor in relation to the property comprised in or affected by any such trust or mortgage; nor shall restrain any banker, merchant, broker, attorney, or other agent from receiving any money which shall be or become actually due and payable upon or by virtue of any valuable security, according to the tenor and effect thereof, in such manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any securities or effects in his possession upon which he shall have

any lien, claim, or demand entitling him by law so to do, unless such sale, transfer, or other disposal shall extend to a greater number or part of such securities or effects than shall be requisite for satisfying such lien, claim, or demand.

76. *Bankers, &c., fraudulently selling, &c., property intrusted to their care.*] Whosoever, being a banker, merchant, broker, attorney, or agent, and being intrusted, either solely or jointly with any other person, with the property of any other person for safe custody, shall, with intent to defraud, sell, negotiate, transfer, pledge, or in any manner convert or appropriate the same or any part thereof, to, or for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, shall be guilty of misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as hereinbefore last mentioned.

77. *Persons under powers of attorney fraudulently selling property.*] Whosoever, being intrusted either solely, or jointly with any other person, with any power of attorney for the sale or transfer of any property, shall fraudulently sell or transfer or otherwise convert the same or any part thereof to his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as hereinbefore last mentioned.

78. *Factors obtaining advances on the property of their principals. Clerks wilfully assisting. Cases excepted where the pledge does not exceed the amount of their lien.*] Whosoever, being a factor or agent intrusted, either solely, or jointly with any other person, for the purpose of sale or otherwise, with the possession of any goods, or of any document of title to goods, shall, contrary to or without the authority of his principal in that behalf, for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, and in violation of good faith, make any consignment, deposit, transfer, or delivery of any goods or document of title so intrusted to him as in this section before mentioned, as and by way of a pledge, lien, or security for any money or valuable security borrowed or received by such factor or agent at or before the time of making such consignment, deposit, transfer, or delivery, or intended to be thereafter borrowed or received, or shall, contrary to or without such authority, for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, and in violation of good faith, accept any advance of any money or valuable security on the faith of any contract or agreement to consign, deposit, transfer, or deliver any such goods or document of title, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as hereinbefore last mentioned; and every clerk or other person who shall knowingly and wilfully act and assist in making any such consignment, deposit, transfer, or delivery, or in accepting or procuring such advance as aforesaid, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the same punishments, provided, that no such factor or agent shall be liable to any prosecution for consigning, depositing, transferring, or delivering any such goods or documents of title, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which at the time of such consignment, deposit, transfer, or delivery was justly due and owing to such agent from his principal, together with the amount of any bill of exchange drawn by or on account of such principal, and accepted by such factor or agent.

79. *Definitions of terms: "intrusted"; "pledge"; "pos-
sessed"; "advance"; "contract or agreement." Possession
to be evidence of intrusting.*] Any factor or agent intrusted as aforesaid, and possessed of any such document of title, whether derived immediately from the owner of such goods or obtained by reason of such factor or agent having been intrusted with the possession of the goods, or of any other document of title thereto, shall be deemed to have been intrusted with the possession of the goods represented by such document of title; and every contract pledging or giving a lien upon such document of title as aforesaid shall be deemed to be a pledge of and lien upon the goods to which the same relates; and such factor or agent shall be deemed to be possessed of such goods or document, whether the same shall be in his actual custody, or shall be held by any other person subject to his control, or

for him or on his behalf; and where any loan or advance shall be *bond fide* made to any factor or agent intrusted with and in possession of any such goods or document of title, on the faith of any contract or agreement in writing to consign, deposit, transfer, or deliver such goods or documents of title, and such goods or document of title shall actually be received by the person making such loan or advance, without notice that such factor or agent was not authorised to make such pledge or security, every such loan or advance shall be deemed to be a loan or advance on the security of such goods or document of title within the meaning of the last preceding section, though such goods or document of title shall not actually be received by the person making such loan or advance till the period subsequent thereto; and any contract or agreement, whether made direct with such factor or agent, or with any clerk or other person on his behalf, shall be deemed a contract or agreement with such factor or agent; and any payment made, whether by money or bill of exchange or other negotiable security, shall be deemed to be an advance within the meaning of the last preceding section; and a factor or agent in possession as aforesaid of such goods or document shall be taken, for the purposes of the last preceding section, to have been instructed therewith by the owner thereof, unless the contrary be shown in evidence.

80. *Trustees, fraudulently disposing of property, guilty of a misdemeanor.* [No prosecution shall be commenced without the sanction of some judge or the Attorney-General.] Whosoever, being a trustee of any property for the use or benefit, either wholly or partially, of some other person, or for any public or charitable purpose, shall, with intent to defraud, convert or appropriate the same or any part thereof to or for his own use or benefit, or the use and benefit of any person other than such person as aforesaid, or for any purpose other than such public or charitable purpose as aforesaid, or otherwise dispose of or destroy such property or any part thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as hereinbefore last mentioned: provided, that no proceeding or prosecution for any offence included in this section shall be commenced without the sanction of her Majesty's Attorney-General, or, in case that office be vacant, of her Majesty's Solicitor-General: provided also, that where any civil proceeding shall have been taken against any person to whom the provisions of this section may apply, no person who shall have taken such civil proceeding shall commence any prosecution under this section without the sanction of the Court or judge before whom such civil proceeding shall have been had or shall be pending.

81. *Directors, &c., of any body corporate or public company fraudulently appropriating property.*] Whosoever, being a director, member, or public officer of any body corporate or public company, shall fraudulently take or apply for his own use or benefit, or for any use or purposes other than the use or purposes of such body corporate or public company, any of the property of such body corporate or public company, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as hereinbefore last mentioned.

82. *Or keeping fraudulent accounts.*] Whosoever, being a director, public officer, or manager of any body corporate or public company, shall as such receive or possess himself of any of the property of such body corporate or public company otherwise than in payment of a just debt or demand, and shall, with intent to defraud, omit to make or to cause or direct to be made a full and true entry thereof in the books and accounts of such body corporate or public company, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award, as hereinbefore last mentioned.

83. *Or wilfully destroying books, &c.*] Whosoever, being a director, manager, public officer, or member of any body corporate or public company, shall, with intent to defraud, destroy, alter, mutilate, or falsify any book, paper, writing, or valuable security belonging to the body corporate or public company, or make or concur in the making of any false entry, or omit or concur in omitting any material particular, in any book of account or other document, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award, as hereinbefore last mentioned.

84. *Or publishing fraudulent statements.*] Whosoever, being a director, manager, or public officer of any body corporate or public company, shall make, circulate, or publish, or concur in making, circulating, or publishing any written statement or account which he shall know to be false in any material particular, with intent to deceive or defraud any member, shareholder, or creditor of such body corporate or public company, or with intent to induce any person to become a shareholder or partner therein, or to intrust or advance any property to such body corporate or public company, or to enter into any security for the benefit thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award, as hereinbefore last mentioned.

85. *No person to be exempt from answering questions in any court, but no person making a disclosure in any compulsory proceeding to be liable to prosecution.*] Nothing in any of the last ten preceding sections of this Act contained shall enable or entitle any person to refuse to make a full and complete discovery by answer to any bill in equity, or to answer any question or interrogatory in any civil proceeding in any court, or upon hearing of any matter in bankruptcy or insolvency; and no person shall be liable to be convicted of any of the misdemeanors in any of the said sections mentioned by any evidence whatever in respect of any act done by him, if he shall at any time previously to his being charged with such offence have first disclosed such act on oath, in consequence of any compulsory process of any court of law or equity, in any action, suit, or proceeding which shall have been *bond fide* instituted by any party aggrieved, or if he shall have first disclosed the same in any compulsory examination or deposition before any court upon the hearing of any matter in bankruptcy or insolvency.

86. *No remedy at law or in equity shall be affected. Convictions shall not be received in evidence in civil suits.*] Nothing in any of the last eleven preceding sections of this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereon against any person under any of the said sections, shall prevent, lessen, or impeach any remedy at law or equity which any party aggrieved by any offence against any of the said sections might have had if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him; and nothing in the said sections contained shall affect or prejudice any agreement entered into or security given by any trustee, having for its object the restoration or repayment of any trust property misappropriated.

87. *Certain misdemeanors not triable at sessions.*] No misdemeanor against any of the last twelve preceding sections of this Act shall be prosecuted or tried at any court of general or quarter sessions of the peace.

As to obtaining money, &c., by false pretences:

88. *False pretences. No acquittal because the offence amounts to larceny. Form of indictment and evidence.*] Whoever shall by any false pretence obtain from any other person any chattel, money, or valuable security, with intent to defraud, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement: provided, that if upon the trial of any person indicted for such misdemeanor it shall be proved that he obtained the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts: provided also, that it shall be sufficient in any indictment for obtaining or attempting to obtain any such property by false pretences to allege that the party accused did the act with intent to defraud, without alleging an intent to defraud any particular person, and without alleging any ownership of the chattel, money, or valuable security; and on the trial of any such indictment it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.

89. *Where any money or thing is caused to be paid or delivered to any person other than the person making a false pretence.*] Whoever shall by any false pretence cause or procure any money to be paid, or any chattel, or valuable security, to

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be delivered to any other person, for the use or benefit or on account of the person making such false pretence, or of any other person, with intent to defraud, shall be deemed to have obtained such money, chattel, or valuable security within the meaning of the last preceding section.

90. *Inducing persons by fraud to execute deeds and other instruments.*] Whosoever, with intent to defraud or injure any other person, shall by any false pretence fraudulently cause or induce any other person to execute, make, accept, endorse, or destroy the whole or any part of any valuable security, or to write, impress, or affix his name, or the name of any other person, or of any company, firm, or co-partnership, or the seal of any body corporate, company, or society, upon any paper or parchment, in order that the same may be afterwards made or converted into or used or dealt with as a valuable security, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to receiving stolen goods:

91. *Receiving, where the principal is guilty of felony.*] Whosoever shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, extorting, obtaining, embezzling, or otherwise disposing whereof shall amount to a felony, either at common law or by virtue of this Act, knowing the same to have been feloniously stolen, taken, extorted, obtained, embezzled, or disposed of, shall be guilty of a felony, and may be indicted and convicted either as an accessory after the fact or for a substantive felony, and in the latter case, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and every such receiver, howsoever convicted, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping: provided that no person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence.

92. *Indictment for stealing and receiving.*] In any indictment containing a charge of feloniously stealing any property it shall be lawful to add a count or several counts for feloniously receiving the same or any part or parts thereof, knowing the same to have been stolen, and in any indictment for feloniously receiving any property knowing it to have been stolen it shall be lawful to add a count for feloniously stealing the same; and where any such indictment shall have been preferred and found against any person, the prosecutor shall not be put to his election, but it shall be lawful for the jury who shall try the same to find a verdict of guilty, either of stealing the property, or of receiving the same, or any part or parts thereof, knowing the same to have been stolen; and if such indictment shall have been preferred and found against two or more persons it shall be lawful for the jury who shall try the same to find all or any of the said persons guilty either of stealing the property or of receiving the same, or any part or parts thereof, knowing the same to have been stolen, or to find one or more of the said persons guilty of stealing the property, and the other or others of them guilty of receiving the same or any part or parts thereof knowing the same to have been stolen.

93. *Separate receivers may be included in the same indictment in the absence of the principal.*] Whenever any property whatsoever shall have been stolen, taken, extorted, obtained, embezzled, or otherwise disposed of in such a manner as to amount to a felony, either at common law or by virtue of this Act, any number of receivers at different times of such property, or of any part or parts thereof, may be charged with substantive felonies in the same indictment, and may be tried together, notwithstanding that the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice.

94. *On an indictment for jointly receiving, persons may be convicted of separately receiving.*] If upon the trial of any two or more persons indicted for jointly receiving any property it shall be proved that one or more of such persons separately received any part or parts of such property, it shall be lawful for the jury to convict, upon such indictment, such of the said persons as shall be proved to have received any part or parts of such property.

93. *Receiving, where the principal has been guilty of a misdemeanor.*] Whosoever shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, obtaining, converting, or disposing whereof is made a misdemeanour by this Act, knowing the same to have been unlawfully stolen, taken, obtained, converted, or disposed of, shall be guilty of a misdemeanor, and may be indicted and convicted thereof, whether the person guilty of the principal misdemeanour shall or shall not have been previously convicted thereof, or shall or shall not be amenable to justice; and every such receiver, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

96. *Receiver where triable.*] Whosoever shall receive any chattel, money, valuable security, or other property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, converted, or disposed of, *any*, whether charged as an accessory after the fact to the felony, or with a substantive felony, or with a misdemeanor only, be dealt with, indicted, tried, and punished in any county or place in which he shall have or shall have had any such property in his possession, or in any county or place in which the party guilty of the principal felony or misdemeanor may by law be tried, in the same manner as such receiver may be dealt with, indicted, tried, and punished in the county or place where he actually received such property.

97. *Receivers of property, where the original offence is punishable on summary conviction.*] Where the stealing or taking of any property whatsoever is by this Act punishable on summary conviction, either for every offence, or for the first and second offence only, or for the first offence only, any person who shall receive any such property, knowing the same to be unlawfully come by, shall, on conviction thereof before a justice of the peace, be liable, for every first, second, or subsequent offence of receiving, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence of stealing or taking such property is by this Act made liable.

98. *Principals in the second degree and accessories. Abettors in misdemeanors.*] In case of every felony punishable under this Act every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall, on conviction, be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanor punishable under this Act shall be liable to be indicted and punished as a principal offender.

99. *Abettors in offences punishable on summary conviction.*] Whosoever shall aid, abet, counsel, or procure the commission of any offence which is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, shall, on conviction before a justice of the peace, be liable, for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is by this Act made liable.

As to restitution and recovery of stolen property:

100. *The owner of stolen property prosecuting thief or receiver to conviction shall have restitution of his property. Provision as to valuable and negotiable securities. Not to apply to prosecutions of trustees, bankers, &c.*] If any person guilty of any such felony or misdemeanor as is mentioned in this Act, in stealing, taking, obtaining, extorting, embezzling, converting, or disposing, or in knowingly receiving, any chattel, money, valuable security, or other property whatsoever, shall be indicted for such offence, by or on the behalf of the owner of the property, or his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner or his representative; and in every case in this section aforesaid the Court before whom any person shall be tried for any such felony or misdemeanor shall have power to award from time to time writs of restitution for the said property, or

to order the restitution thereof in a summary manner: provided, that if it shall appear before any award or order made that any valuable security shall have been *bonâ fide* paid or discharged by some person or body corporate liable to the payment thereof, or being a negotiable instrument shall have been *bonâ fide* taken or received by transfer or delivery, by some person or body corporate, for a just and valuable consideration, without any notice or without any reasonable cause to suspect that the same had by any felony or misdemeanor been stolen, taken, obtained, extorted, embezzled, converted, or disposed of, in such case the Court shall not award or order the restitution of such security: provided also, that nothing in this section contained shall apply to the case of any prosecution of any trustee, banker, merchant, attorney, factor, broker, or other agent intrusted with the possession of goods or documents of title to goods for any misdemeanor against this Act.

101. *Taking a reward for helping to the recovery of stolen property without bringing the offender to trial.*—Whosoever shall corruptly take any money or reward, directly or indirectly, under pretence or upon account of helping any person to any chattel, money, valuable security or other property whatsoever which shall by any felony or misdemeanor have been stolen, taken, obtained, extorted, embezzled, converted, or disposed of, as in this Act before mentioned, shall (unless he shall have used all due diligence to cause the offender to be brought to trial for the same) be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of eighteen years, with or without whipping.

102. *Advertising a reward for the return of stolen property, &c.*—Whosoever shall publicly advertise a reward for the return of any property whatsoever which shall have been stolen or lost, and shall in such advertisement use any words purporting that no questions will be asked, or shall make use of any words in any public advertisement purporting that a reward will be given or paid for any property which shall have been stolen or lost, without seizing or making any inquiry after the person producing such property, or shall promise or offer in any such public advertisement to return to any pawnbroker or other person who may have bought or advanced money by way of loan upon any property stolen or lost the money so paid or advanced, or any other sum of money or reward for the return of such property, or shall print or publish any such advertisement, shall forfeit the sum of fifty pounds for every such offence to any person who will sue for the same by action of debt, to be recovered, with full costs of suit.

As to apprehension of offenders, and other proceedings:

103. *A person in the act of committing any offence may be apprehended without a warrant. A justice, upon good grounds of suspicion proved on oath, may grant a search warrant. Any person to whom stolen property is offered may seize the party offering it.*—Any person found committing any offence punishable, either upon indictment or upon summary conviction, by virtue of this Act, except only the offence of angling in the daytime, may be immediately apprehended without a warrant by any person, and forthwith taken, together with such property, if any, before some neighbouring justice of the peace, to be dealt with according to law; and if any credible witness shall prove upon oath before a justice of the peace a reasonable cause to suspect that any person has in his possession or on his premises any property whatsoever on or with respect to which any offence, punishable either upon indictment or upon summary conviction by virtue of this Act, shall have been committed, the justice may grant a warrant to search for such property as in the case of stolen goods; and any person to whom any property shall be offered to be sold, pawned, or delivered, if he shall have reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorised, and, if in his power, is required to apprehend and forthwith to take before a justice of the peace the party offering the same, together with such property, to be dealt with according to law.

104. *A person loitering at night and suspected of any felony against this Act may be apprehended.*—Any constable or peace officer may take into custody, without warrant, any person whom he shall find lying or loitering in any highway, yard, or other place, during the night, and whom he shall have good cause to suspect of having committed, or being about to commit,

any felony against this Act, and shall take such person, as soon as reasonably may be, before a justice of the peace, to be dealt with according to law.

105. *Mode of compelling the appearance of persons punishable on summary conviction.*—Where any person shall be charged on the oath of a credible witness before any justice of the peace with any offence punishable on summary conviction under this Act, the justice may summon the person charged to appear at a time and place to be named in such summons, and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him personally, or by leaving the same at his usual place of abode) the justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself or some other justice of the peace; or the justice before whom the charge shall be made may (if he shall so think fit), without any previous summons (unless where otherwise specially directed), issue such warrant, and the justice before whom the person charged shall appear or be brought shall proceed to hear and determine the case.

106. *Application of forfeitures and penalties on summary convictions. Proviso where several persons join in commission of same offence.*—Every sum of money which shall be forfeited on any summary conviction for the value of any property stolen or taken, or for the amount of any injury done (such value or amount to be assessed in each case by the convicting justice) shall be paid to the party aggrieved, except where he is unknown, and in that case such sum shall be applied in the same manner as a penalty; and every sum which shall be imposed as a penalty by any justice of the peace, whether in addition to such value or amount or otherwise, shall be paid and applied in the same manner as other penalties recoverable before justices of the peace are to be paid and applied in cases where the statute imposing the same contains no direction for the payment thereof to any person: provided, that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the value of the property or to the amount of the injury, in every such case no further sum shall be paid to the party aggrieved than such value or amount; and the remaining sum or sums forfeited shall be applied in the same manner as any penalty imposed by a justice of the peace is hereinbefore directed to be applied.

107. *If a person summarily convicted shall not pay, &c., the justice may commit him. Scale of imprisonment.*—In every case of a summary conviction under this Act, where the sum which shall be forfeited for the value of the property stolen or taken, or for the amount of the injury done, or which shall be imposed as a penalty by the justice, shall not be paid, either immediately after the conviction, or within such period as the justice shall at the time of the conviction appoint, the convicting justice (unless where otherwise specially directed) may commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the justice, for any term not exceeding two months, where the amount of the sum forfeited or of the penalty imposed, or of both (as the case may be), together with the costs, shall not exceed five pounds, and for any term not exceeding four months where the amount, with costs, shall not exceed ten pounds, and for any term not exceeding six months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

108. *Justice may discharge the offender in certain cases.*—Where any person shall be summarily convicted before a justice of the peace of any offence against this Act, and it shall be a first conviction, the justice may, if he shall so think fit, discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the justice.

109. *A summary conviction shall be a bar to any other proceeding for the same cause.*—In case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid, together with costs, under such conviction, or shall have received a remission thereof from the Crown, or from the Lord Lieutenant or other chief governor in Ireland, or shall have suffered the imprisonment awarded for non-payment thereof, or the imprisonment adjudged in the first instance, or shall have been so discharged from his conviction by any justice as aforesaid,

in every such case he shall be released from all further or other proceedings for the same cause.

110. *Appeal.*—In all cases where the sum adjudged to be paid on any summary conviction shall exceed five pounds, or the imprisonment adjudged shall exceed one month, or the conviction shall take place before one justice only, any person who shall think himself aggrieved by any such conviction may appeal to the next court of general or quarter sessions which shall be held not less than twelve days after the day of such conviction for the county or place wherein the cause of complaint shall have arisen: provided, that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or shall enter into a recognizance, with two sufficient sureties, before a justice of the peace, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; or if such appeal shall be against any conviction, whereby only a penalty or other sum of money shall be adjudged to be paid, shall deposit with the clerk of the convicting justice such a sum of money as such justice shall deem to be sufficient to cover the sum so adjudged to be paid, together with the costs of the conviction and the costs of the appeal; and upon such notice being given, and such recognizance being entered into, or such deposit being made, the justice before whom such recognizance shall be entered into, or such deposit shall be made, shall liberate such person if in custody; and the Court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet, and in case of the dismissal of the appeal or the affirmance of the conviction shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment; and in any case where after any such deposit shall have been made as aforesaid the conviction shall be affirmed, the Court may order the sum thereby adjudged to be paid, together with the costs of the conviction and the costs of the appeal, to be paid out of the money deposited, and the residue thereof, if any, to be repaid to the party convicted; and in any case where after any such deposit the conviction shall be quashed, the Court shall order the money deposited to be repaid to the party convicted; and in every case where any conviction shall be quashed on appeal as aforesaid, the clerk of the peace, or other proper officer, shall forthwith endorse on the conviction a memorandum that the same has been so quashed; and whenever any copy or certificate of such conviction shall be made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction has been quashed in every case where such copy or certificate would be sufficient evidence of such conviction.

111. *No certiorari, &c.*—No such conviction, or adjudication made on appeal therefrom, shall be quashed for want of form, or be removed by *certiorari* into any of her Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

112. *Convictions to be returned to the quarter sessions.*—Every justice of the peace before whom any person shall be convicted of any offence against this Act shall transmit the conviction to the next court of general or quarter sessions which shall be held for the county or place wherein the offence shall have been committed, there to be kept by the proper officer among the records of the court; and upon any information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shown.

113. *Venue, in proceedings against persons acting under this Act. Notice of action. General issue, &c.*—All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be laid and tried in the county where the fact was committed, and shall be commenced within six months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof shall be given to the defendant one month at least before the commencement of the action; and in any such

action the defendant may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant has by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the judge before whom the trial shall be shall certify his approbation of the action.

As to other matters:

114. *Stealers of property in one part of the United Kingdom who have the same in any other part of the United Kingdom may be tried and punished in that part of the United Kingdom where they have the property.*—If any person shall have in his possession in any one part of the United Kingdom any chattel, money, valuable security, or other property whatsoever, which he shall have stolen or otherwise feloniously taken in any other part of the United Kingdom, he may be dealt with, indicted, tried, and punished for larceny or theft in that part of the United Kingdom where he shall so have such property, in the same manner as if he had actually stolen or taken it in that part; and if any person in any one part of the United Kingdom shall receive or have any chattel, money, valuable security, or other property whatsoever which shall have been stolen or otherwise feloniously taken in any other part of the United Kingdom, such person knowing such property to have been stolen or otherwise feloniously taken, he may be dealt with, indicted, tried, and punished for such offence in that part of the United Kingdom where he shall so receive or have such property, in the same manner as if it had been originally stolen or taken in that part.

115. *Offences committed within the jurisdiction of the Admiralty.*—All indictable offences mentioned in this Act which shall be committed within the jurisdiction of the Admiralty of England or Ireland shall be deemed to be offences of the same nature, and liable to the same punishments, as if they had been committed upon the land in England or Ireland, and may be dealt with, inquired of, tried, and determined in any county or place in which the offender shall be apprehended or be in custody; and in any indictment for any such offence or for being an accessory to any such offence the venue and the margin shall be the same as if the offence had been committed in such county or place, and the offence itself shall be averred to have been committed "on the high seas": provided, that nothing herein contained shall alter or affect any of the laws relating to the government of her Majesty's land or naval forces.

116. *Form of indictment for a subsequent offence. When the previous conviction is to be proved on the trial.*—In any indictment for any offence punishable under this Act, and committed after a previous conviction or convictions for any felony, misdemeanor, or offence or offences punishable upon summary conviction, it shall be sufficient, after charging the subsequent offence, to state that the offender was at a certain time and place or at certain times and places convicted of felony, or of an indictable misdemeanor, or of an offence or offences punishable upon summary conviction (as the case may be), without otherwise describing the previous felony, misdemeanor, offence or offences; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony or misdemeanor, or a copy of any such summary conviction, purporting to be signed by the clerk of the Court or other officer having the custody of the records of the Court where the offender was first convicted, or to which such summary conviction shall have been returned, or by the deputy of such clerk or officer (for which certificate or copy a fee of five shillings and no more shall be demanded or taken), shall, upon proof of the identity of the person of the offender, be sufficient evidence of such conviction, without proof of the signature or official character of the person appearing to have signed the same; and the proceedings upon any indictment for committing any offence after a previous conviction or convictions shall be as follows: (that is to say) the offender shall, in the first instance, be arraigned upon so much only of the indictment as charges the subsequent offence, and if he plead not

guilty; or if the Court order a plea of not guilty to be entered on his behalf, the jury shall be charged, in the first instance, to inquire concerning such subsequent offence only; and if they find him guilty, and if on arraignment he plead guilty, he shall then, and not before, be asked whether he had been previously convicted as alleged in the indictment, and if he answer that he had been so previously convicted the Court may proceed to sentence him accordingly, but if he deny that he had been so previously convicted, or stand mute of malice, or will not answer directly to such question, the jury shall then be charged to inquire concerning such previous conviction or convictions, and in such case it shall not be necessary to swear the jury again, but the oath already taken by them shall for all purposes be deemed to extend to such last-mentioned inquiry: provided, that if upon the trial of any person for any such subsequent offence such person shall give evidence of his good character, it shall be lawful for the prosecutor, in answer thereto, to give evidence of the conviction of such person for the previous offence or offences before such verdict of guilty shall be returned, and the jury shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence.

117. *Fine, and sureties for keeping the peace; in what cases.*] Whenever any person shall be convicted of any indictable misdemeanor punishable under this Act, the Court may, if it shall think fit, in addition to or in lieu of any of the punishments by this Act authorized, fine the offender, and require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this Act the Court may, if it shall think fit, require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace in addition to any punishment by this act authorized; provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

118. *Hard labour.*] Whenever imprisonment, with or without hard labour, may be awarded for any indictable offence under this Act, the Court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction.

119. *Solitary confinement and whipping.*] Whenever solitary confinement may be awarded for any indictable offence under this Act, the Court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year; and whenever whipping may be awarded for any indictable offence under this Act, the Court may sentence the offender to be once privately whipped, and the number of strokes and the instrument with which they shall be inflicted shall be specified by the Court in the sentence.

120. *Summary proceedings in England may be under the 11 & 12 Vict. c. 43, and in Ireland under the 14 & 15 Vict. c. 93; except in London and the Metropolitan Police District.*] Every offence hereby made punishable on summary conviction may be prosecuted in England in the manner directed by the Act of the session holden in the eleventh and twelfth years of Queen Victoria, chapter forty-three, so far as no provision is hereby made for any matter or thing which may be required to be done in the course of such prosecution, and may be prosecuted in Ireland before two or more justices of the peace, or one metropolitan or stipendiary magistrate, in the manner directed by the Act of the session holden in the fourteenth and fifteenth years of Queen Victoria, chapter ninety-three, or in such other manner as may be directed by any Act that may be passed for like purposes; and all provisions contained in the said Acts shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act: provided, that nothing in this Act contained shall in any manner alter or affect any enactment relating to procedure in the case of any offence punishable on summary conviction within the city of London or the Metropolitan Police District, or the recovery or application of any penalty or forfeiture for any such offence.

121. *The costs of the prosecution of misdemeanors against this Act may be allowed.*] The Court before which any indictable misdemeanor against this Act shall be prosecuted or tried may allow the costs of the prosecution in the same manner as in cases of felony; and every order for the payment of such costs shall be made out, and the sum of money mentioned therein paid and repaid, upon the same terms and in the same manner in all respects as in cases of felony.

122. *Act not to extend to Scotland.*] Nothing in this Act contained shall extend to Scotland, except as hereinbefore otherwise expressly provided.

123. *Commencement of Act.*] This Act shall commence and take effect on the first day of November, one thousand eight hundred and sixty-one.

CAP. XCVII.

An Act to consolidate and amend the Statute Law of England and Ireland relating to Malicious Injuries to Property. [6th August, 1861.]

WHEREAS it is expedient to consolidate and amend the Statute Law of England and Ireland relating to Malicious Injuries to Property: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Injuries by fire to buildings, and goods therein.

1. *Setting fire to a church or chapel.*] Whosoever shall unlawfully and maliciously set fire to any church, chapel, meeting-house, or other place of divine worship, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

2. *Setting fire to a dwelling-house, any person being therein.*] Whosoever shall unlawfully and maliciously set fire to any dwelling-house, any person being therein, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

3. *Setting fire to a house, outhouse, manufactory, farm building, &c.*] Whosoever shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn, storehouse, granary, hovel, shed, or fold, or to any farm building, or to any building or erection used in farming land, or in carrying on any trade or manufacture or any branch thereof, whether the same shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

4. *Setting fire to any railway station.*] Whosoever shall unlawfully and maliciously set fire to any station, engine-house, warehouse, or other building belonging or appertaining to any railway, port, dock, or harbour, or to any canal or other navigation, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

5. *Setting fire to any public building.*] Whosoever shall unlawfully and maliciously set fire to any building other than such as are in this Act before mentioned, belonging to the Queen, or to any county, riding, division, city, borough, poor law union, parish, or place, or belonging to any university, or college or hall of any university, or to any Inn of Court, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

6. *Setting fire to other buildings.*] Whosoever shall unlawfully and maliciously set fire to any building other than

such as are in this Act before mentioned shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

7. *Setting fire to goods in any building the setting fire to which is felony.*] Whosoever shall unlawfully and maliciously set fire to any matter or thing, being in, against, or under any building, under such circumstances that if the building were thereby set fire to the offence would amount to felony, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

8. *Attempting to set fire to buildings.*] Whosoever shall unlawfully and maliciously by any overt act attempt to set fire to any building, or any matter or thing in the last preceding section mentioned, under such circumstances that if the same were thereby set fire to the offender would be guilty of felony, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Injuries by explosive substances to buildings and goods therein.

9. *Destroying or damaging a house with gunpowder, any person being therein.*] Whosoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, destroy, throw down, or damage the whole or any part of any dwelling house, any person being therein, or of any building whereby the life of any person shall be endangered, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

10. *Attempting to destroy buildings with gunpowder.*] Whosoever shall unlawfully and maliciously place or throw in, into, upon, under, against, or near any building any gunpowder or other explosive substance, with intent to destroy or damage any building, or any engine, machinery, working tools, fixtures, goods, or chattels, shall, whether or not any explosion take place, and whether or not any damage be caused, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Injuries to buildings by rioters, &c.

11. *Rioters demolishing church, building, &c.*] If any persons riotously and tumultuously assembled together to the disturbance of the public peace shall unlawfully and with force demolish, or pull down or destroy, or begin to demolish, pull down, or destroy, any church, chapel, meeting house, or other place of divine worship, or any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn, granary, shed, hovel, or fold, or any building or erection used in farming land, or in carrying on any trade or manufacture or any branch thereof, or any building other than such as are in this section before mentioned, belonging to the Queen, or to any county, riding, division, city, borough, poor law union, parish, or place, or belonging to any university, or college or hall of any university, or to any inn of court, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture or in any branch thereof, or any steam engine or other engine for sinking, working, ventilating, or draining any mine, or any staith, building, or erection used in conducting the business of any mine, or any bridge, waggon-way, or trunk for conveying minerals from any mine, every

such offender shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

12. *Rioters injuring building, machinery, &c.*] If any persons, riotously and tumultuously assembled together to the disturbance of the public peace, shall unlawfully and with force injure or damage any such church, chapel, meeting house, place of divine worship, house, stable, coach-house, out-house, warehouse, office, shop, mill, malthouse, hop-oast, barn, granary, shed, hovel, fold, building, erection, machinery, engine, staith, bridge, waggon-way, or trunk, as is in the last preceding section mentioned, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour: provided that if upon the trial of any person for any felony in the last preceding section mentioned the jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of any offence in this section mentioned, then the jury may find him guilty thereof, and he may be punished accordingly.

Injuries to buildings by tenants.

13. *Tenants of houses, &c., maliciously injuring them.*] Whosoever, being possessed of any dwelling-house or other building, or part of any dwelling-house or other building, held for any term of years or other less term, or at will, or held over after the termination of any tenancy, shall unlawfully and maliciously pull down or demolish, the same or any part thereof, or shall unlawfully and maliciously pull down or sever from the freehold any fixture being fixed in or to such dwelling-house or building, or part of such dwelling-house or building, shall be guilty of a misdemeanor.

Injuries to manufactures, machinery, &c.

14. *Destroying goods in process of manufacture, certain machinery, &c.*] Whosoever shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless, any goods or article of silk, woollen, linen, cotton, hair, mohair, or alpaca, or of any one or more of those materials mixed with each other or mixed with any other material, or any framework-knitted piece, stocking, hose, or lace, being in the loom or frame, or on any machine or engine, or on the rack or tenters, or in any stage, process, or progress of manufacture, or shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless, any warp or shuttle of silk, woollen, linen, cotton, hair, mohair, or alpaca, or of any one or more of those materials mixed with each other or mixed with any other material, or shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or render useless, any loom, frame, machine, engine, rack, tackle, tool, or implement, whether fixed or moveable, prepared for or employed in carding, spinning, throwing, weaving, fulling, shearing, or otherwise manufacturing or preparing any such goods or articles, or shall by force enter into any house, shop, building, or place, with intent to commit any of the offences in this section mentioned, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

15. *Destroying machines in other manufactures, threshing machines, &c.*] Whosoever shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless, any machine or engine, whether fixed or moveable, used or intended to be used for sowing, reaping, mowing, threshing, ploughing, or draining, or for performing any other agricultural operation, or any machine or engine, or any tool or implement, whether fixed or moveable, prepared for or employed in any manufacture whatsoever (except the manufacture of silk, woollen, linen, cotton, hair, mohair, or alpaca goods, or goods of any one or more of those materials mixed with each other or mixed with any other material, or any framework-knitted piece, stocking, hose, or lace), shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three

years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Injuries to corn, trees, and vegetable productions.

16. *Setting fire to crops of corn, &c.*] Whosoever shall unlawfully and maliciously set fire to any crop of hay, grass, corn, grain, or pulse, or of any cultivated vegetable produce, whether standing or cut down, or to any part of any wood, coppice, or plantation of trees, or to any heath, gorse, furze, or fern, wheresoever the same may be growing, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

17. *Setting fire to stacks of corn, &c.*] Whosoever shall unlawfully and maliciously set fire to any stack of corn, grain, pulse, tares, hay, straw, haulm, stubble, or of any cultivated vegetable produce, or of furze, gorse, heath, fern, turf, peat, coals, charcoal, wood, or bark, or to any stear of wood or bark, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

18. *Attempting to set fire to any crops of corn, &c., or to any stack or steer.*] Whosoever shall unlawfully and maliciously by any overt Act attempt to set fire to any such matter or thing as in either of the last two preceding sections mentioned, under such circumstances that if the same were thereby set fire to the offender would be, under either of such sections, guilty of felony, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

19. *Destroying hopbinds.*] Whosoever shall unlawfully and maliciously cut or otherwise destroy any hopbinds growing on poles in any plantation of hops shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

20. *Destroying or damaging trees, shrubs, &c., to the value of more than £1 growing in a pleasure ground, &c.*] Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood, growing in any park, pleasure ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling-house, (in case the amount of the injury done shall exceed the sum of one pound,) shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

21. *Destroying or damaging trees, shrubs, &c. of the value of more than £5 growing elsewhere than in a pleasure ground &c.*] Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood, growing elsewhere than in any park, pleasure ground, garden, orchard, or avenue, or in any ground adjoining to or belonging to any dwelling-house, (in case the amount of injury done shall exceed the sum of five pounds,) shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

22. *Damaging trees, wheresoever growing, to the amount of £1. Second offence. Third offence.*] Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood, wheresoever the same may be growing, the injury done being to the amount of one shilling at the least, shall, on conviction thereof before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding three months, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding five pounds, as to the justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act of Parliament, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall for such second offence be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding twelve months, as the convicting justice shall think fit; and whosoever, having been twice convicted of any such offence (whether both or either of such convictions shall have taken place before or after the passing of this Act), shall afterwards commit any of the said offences in this section before mentioned, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

23. *Damaging any fruit or vegetable production in a garden. Second offence.*] Whosoever shall unlawfully and maliciously destroy, or damage with intent to destroy, any plant, root, fruit, or vegetable production, growing in any garden, orchard, nursery ground, hothouse, greenhouse, or conservatory, shall, on conviction thereof before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding twenty pounds as to the justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act of Parliament, shall afterwards commit any of the said offences in this section before mentioned, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

24. *Damaging, &c. vegetable productions not growing in gardens, &c. Second offence.*] Whosoever shall unlawfully and maliciously destroy, or damage with intent to destroy, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or enclosed, not being a garden, orchard, or nursery ground, shall, on conviction thereof before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one month, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding twenty shillings as to the justice shall seem meet, and in default of payment thereof, together with the costs, if ordered, shall be committed as aforesaid for any term not exceeding one month, unless payment be sooner made; and whosoever, having been convicted of any such offence either against this or any former Act of Parliament, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term not exceeding six months as the convicting justice shall think fit.

Injuries to fences.

25. *Damaging, &c. any fence, wall, stile, or gate. Second offence.*] Whosoever shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any fence of any description whatsoever, or any wall, stile, or gate, or any part thereof respectively, shall, on conviction thereof before a justice of the peace, for the first offence forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding

ing five pounds as to the justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act of Parliament, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term not exceeding twelve months as the convicting justice shall think fit.

Injuries to mines.

26. *Setting fire to a coal mine.*] Whosoever shall unlawfully and maliciously set fire to any mine of coal, cannel coal, anthracite, or other mineral fuel, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

27. *Attempting to set fire to a mine.*] Whosoever shall unlawfully and maliciously by any overt act attempt to set fire to any mine, under such circumstances that if the mine were thereby set fire to the offender would be guilty of felony, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

28. *Conveying water into a mine, obstructing the shaft, &c.*] Whosoever shall unlawfully and maliciously cause any water to be conveyed or run into any mine, or into any subterraneous passage communicating therewith, with intent thereby to destroy or damage such mine, or to hinder or delay the working thereof, or shall with the like intent unlawfully and maliciously pull down, fill up, or obstruct, or damage with intent to destroy, obstruct, or render useless, any airway, waterway, drain, pit, level, or shaft of or belonging to any mine, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping: provided that this provision shall not extend to any damage committed underground by any owner of any adjoining mine in working the same, or by any person duly employed in such working.

29. *Damaging steam engines, staiths, waggonways, &c. for working mines.*] Whosoever shall unlawfully and maliciously pull down or destroy, or damage with intent to destroy or render useless, any steam engine or other engine for sinking, draining, ventilating, or working, or for in anywise assisting in sinking, draining, ventilating, or working any mine, or any appliance or apparatus in connexion with any such steam or other engine, or any staith, building, or erection used in conducting the business of any mine, or any bridge, waggonway, or trunk for conveying minerals from any mine, whether such engine, staith, building, erection, bridge, waggonway, or trunk be completed or in an unfinished state, or shall unlawfully and maliciously stop, obstruct, or hinder the working of any such steam or other engine, or of any such appliance or apparatus as aforesaid, with intent thereby to destroy or damage any mine, or to hinder, obstruct, or delay the working thereof, or shall unlawfully and maliciously wholly or partially cut through, sever, break, or unfasten, or damage with intent to destroy or render useless, any rope, chain, or tackle, of whatsoever material the same shall be made, used in any mine, or in or upon any inclined plane, railway or other way, or other work whatsoever, in anywise belonging or appertaining to or connected with or employed in any mine or the working or business thereof, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Injuries to sea and river banks, and to works on rivers, canals, &c.

30. *Destroying any sea bank, or wall on any canal.*] Whosoever shall unlawfully and maliciously break down or cut

down or otherwise damage or destroy any sea bank or sea wall, or the bank, dam, or wall of or belonging to any river, canal, drain, reservoir, pool, or marsh, whereby any land or building shall be or shall be in danger of being overflowed or damaged, or shall unlawfully and maliciously throw, break, or cut down, level, undermine, or otherwise destroy, any quay, wharf, jetty, lock, sluice, floodgate, weir, tunnel, towing-path, drain, watercourse, or other work belonging to any port, harbour, dock, or reservoir, or on or belonging to any navigable river or canal, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

31. *Removing the piles of any sea bank, &c., or doing any damage to obstruct the navigation of a river or canal.*] Whosoever shall unlawfully and maliciously cut off, draw up, or remove any piles, chalk, or other materials fixed in the ground, and used for securing any sea bank or sea wall, or the bank, dam, or wall of any river, canal, drain, aqueduct, marsh, reservoir, pool, port, harbour, dock, quay, wharf, jetty, or lock, or shall unlawfully and maliciously open or draw up any floodgate or sluice, or do any other injury or mischief to any navigable river or canal, with intent and so as thereby to obstruct or prevent the carrying on, completing, or maintaining the navigation thereof, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Injuries to ponds.

32. *Breaking down the dam of a fishery, &c., or mill dam, or poisoning fish.*] Whosoever shall unlawfully and maliciously cut through, break down, or otherwise destroy the dam, floodgate, or sluice of any fish pond, or of any water which shall be private property, or in which there shall be any private right of fishery, with intent thereby to take or destroy any of the fish in such pond or water, or so as thereby to cause the loss or destruction of any of the fish, or shall unlawfully and maliciously put any lime or other noxious material in any such pond or water, with intent thereby to destroy any of the fish that may then be or that may thereafter be put therein, or shall unlawfully and maliciously cut through, break down, or otherwise destroy the dam or floodgate of any mill pond, reservoir, or pool, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Injuries to bridges, viaducts, and toll bars.

33. *Injury to public bridge.*] Whosoever shall unlawfully and maliciously pull or throw down or in anywise destroy any bridge (whether over any stream of water or not), or any viaduct or aqueduct, over or under which bridge, viaduct, or aqueduct any highway, railway, or canal shall pass, or do any injury with intent and so as thereby to render such bridge, viaduct, or aqueduct, or the highway, railway, or canal passing over or under the same, or any part thereof, dangerous or impassable, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

34. *Damaging a turnpike gate, toll house, &c.*] Whosoever shall unlawfully and maliciously throw down, level, or otherwise destroy, in whole or in part, any turnpike gate or toll bar, or any wall, chain, rail, post, bar, or other fence belonging to any turnpike gate or toll bar, or set up or erected to prevent passengers passing by without paying any toll directed to be paid by any Act of Parliament relating thereto, or any house, building, or weighing engine erected for the better collection, ascertainment, or security of any such toll, shall be guilty of a misdemeanor.

Injuries to railway carriages and telegraphs.

35. *Placing wood, &c., on railway with intent to obstruct or overthrow any engine, &c.]* Whosoever shall unlawfully and maliciously put, place, cast, or throw upon or across any railway any wood, stone, or other matter or thing, or shall unlawfully and maliciously take up, remove, or displace any rail, sleeper, or other matter or thing belonging to any railway, or shall unlawfully and maliciously turn, move, or divert any points or other machinery belonging to any railway, or shall unlawfully and maliciously make or show, hide or remove, any signal or light upon or near to any railway, or shall unlawfully and maliciously do or cause to be done any other matter or thing, with intent, in any of the cases aforesaid, to obstruct, upset, overthrow, injure, or destroy any engine, tender, carriage, or truck using such railway, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen, with or without whipping.

36. *Obstructing engines or carriages on railways.]* Whosoever, by any unlawful Act, or by any wilful omission or neglect, shall obstruct or cause to be obstructed any engine or carriage using any railway, or shall aid or assist therein, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour.

37. *Injuries to electric or magnetic telegraphs.]* Whosoever shall unlawfully and maliciously cut, break, throw down, destroy, injure, or remove any battery, machinery, wire, cable, post, or other matter or thing whatsoever, being part of or being used or employed in or about any electric or magnetic telegraph, or in the working thereof, or shall unlawfully and maliciously prevent or obstruct in any manner whatsoever the sending, conveyance, or delivery of any communication by any such telegraph, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour: provided that if it shall appear to any justice, on the examination of any person charged with any offence against this section, that it is not expedient to the ends of justice that the same should be prosecuted by indictment, the justice may proceed summarily to hear and determine the same, and the offender shall, on conviction thereof, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding three months, or else shall forfeit and pay such sum of money not exceeding ten pounds as to the justice shall seem meet.

38. *Attempt to injure such telegraphs.]* Whosoever shall unlawfully and maliciously, by any overt act, attempt to commit any of the offences in the last preceding section mentioned, shall, on conviction thereof before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding three months, or else shall forfeit and pay such sum of money not exceeding ten pounds as to the justice shall seem meet.

Injuries to works of art.

39. *destroying or damaging works of art in museums, churches, &c., or in public places.]* Whosoever shall unlawfully and maliciously destroy or damage any book, manuscript, picture, print, statue, bust, or vase, or any other article or thing kept for the purposes of art, science, or literature, or as an object of curiosity, in any museum, gallery, cabinet, library, or other repository, which museum, gallery, cabinet, library, or other repository is either at all times or from time to time open for the admission of the public or of any considerable number of persons to view the same, either by the permission of the proprietor thereof or by the payment of money before entering the same, or any picture, statue, monument, or other memorial of the dead, painted glass, or other ornament or work of art, in any church, chapel, meeting-house, or other place of divine worship, or in any building belonging to the Queen, or to any county, riding, division, city, borough, poor law union, parish, or place, or to any university, or college or hall of any university, or to any inn of court, or in any street, square, churchyard, burial ground, public garden or

ground, or any statue or monument exposed to public view, or any ornament, railing, or fence surrounding such statue or monument, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding six months, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping, provided that nothing herein contained shall be deemed to affect the right of any person to recover, by action at law, damages for the injury so committed.

Injuries to cattle and other animals.

40. *Killing or maiming cattle.]* Whosoever shall unlawfully and maliciously kill, maim, or wound any cattle shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

41. *Killing or maiming other animals. Second offence.]* Whosoever shall unlawfully and maliciously kill, maim, or wound any dog, bird, beast, or other animal, not being cattle, but being either the subject of larceny at common law, or being ordinarily kept in a state of confinement, or for any domestic purpose, shall, on conviction thereof, before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall forfeit and pay, over and above the amount of injury done, such sum of money not exceeding twenty pounds as to the justice shall seem meet; and whosoever, having been convicted of any such offence, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term not exceeding twelve months as the convicting justice shall think fit.

42. *Setting fire to a ship.]* Whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

43. *Setting fire to ships to prejudice the owner or underwriters.]* Whosoever shall unlawfully and maliciously set fire to, or cast away, or in anywise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that has underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

44. *Attempting to set fire to a vessel.]* Whosoever shall unlawfully and maliciously, by any overt act, attempt to set fire to, cast away, or destroy any ship or vessel, under such circumstances that if the ship or vessel were thereby set fire to, cast away, or destroyed, the offender would be guilty of felony, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

45. *Placing gunpowder near a vessel with intent to damage it.]* Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any ship or vessel any gunpowder or other explosive substance, with intent to destroy or damage any ship or vessel, or any machinery, working tools, goods, or chattels, shall, whether or not any explosion takes place, and whether or not any injury be effected, be guilty of felony, and being convicted thereof shall be liable, at the dis-

cretion of the Court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

46. *Damaging ships otherwise than by fire.*] Whosoever shall unlawfully and maliciously damage, otherwise than by fire, gunpowder, or other explosive substance, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same or render the same useless, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

47. *Exhibiting false signals, &c.*] Whosoever shall unlawfully mask, alter, or remove any light or signal, or unlawfully exhibit any false light or signal, with intent to bring any ship, vessel, or boat into danger, or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any ship, vessel, or boat, and for which no punishment is hereinbefore provided, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

48. *Removing or concealing buoys and other sea marks.*] Whosoever shall unlawfully and maliciously cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall unlawfully and maliciously do any act with intent to cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall in any other manner unlawfully and maliciously injure or conceal any boat, buoy, buoy rope, perch, or mark used or intended for the guidance of seamen or the purpose of navigation, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

49. *Destroying wrecks or any articles belonging thereto.*] Whosoever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Sending letters threatening to burn or destroy.

50. *Sending letters threatening to burn or destroy houses, buildings, ships, &c.*] Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing threatening to burn or destroy any house, barn, or other building, or any rick or stack of grain, hay, or straw, or other agricultural produce, or any grain, hay, or straw, or other agricultural produce in or under any building, or any ship or vessel, or to kill, maim, or wound any cattle, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Injuries not before provided.

51. *Persons committing malicious injuries not before provided for exceeding the amount of £5.*] Whosoever shall unlawfully and maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided, the damage, injury, or spoil being to an

amount exceeding five pounds, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour; and in case any such offence shall be committed between the hours of nine of the clock in the evening and six of the clock in the next morning, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding five years and not less than three,—or to be imprisoned for any term not exceeding two years, with or without hard labour.

52. *Persons committing damage to any property, in any case not previously provided for, may be committed or fined, and compelled by a justice to pay compensation not exceeding £5. Application of the money awarded.*] Not to extend to certain cases herein named.] Whosoever shall wilfully or maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided, shall, on conviction thereof before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding two months, or else shall forfeit and pay such sum of money not exceeding five pounds as to the justice shall seem meet, and also such further sum of money as shall appear to the justice to be a reasonable compensation for the damage, injury, or spoil so committed, not exceeding the sum of five pounds; which last-mentioned sum of money shall, in the case of private property, be paid to the party aggrieved; and in the case of property of a public nature, or wherein any public right is concerned, the money shall be applied in the same manner as every penalty imposed by a justice of the peace under this Act; and if such sums of money, together with costs (if ordered), shall not be paid either immediately after the conviction, or within such period as the justice shall at the time of the conviction appoint, the justice may commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, as the justice shall think fit, for any term not exceeding two months, unless such sums and costs be sooner paid: provided that nothing herein contained shall extend to any case where the party acted under a fair and reasonable supposition that he had a right to do the act complained of, nor to any trespass, not being wilful and malicious, committed in hunting, fishing, or in the pursuit of game, but that every such trespass shall be punishable in the same manner as if this Act had not passed.

53. *Preceding section to extend to trees.*] The provisions in the last preceding section contained shall extend to any person who shall wilfully or maliciously commit any injury to any tree, sapling, shrub, or underwood, for which no punishment is hereinbefore provided.

Making gunpowder to commit offences, and searching for the same.

54. *Making or having gunpowder, &c., with intent to commit any felony against this Act.*] Whosoever shall make or manufacture, or knowingly have in his possession, any gunpowder or other explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or thing, with intent thereto or by means thereof to commit, or for the purpose of enabling any other person to commit, any of the felonies in this Act mentioned, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

55. *Justices may issue warrants for searching houses, &c., for such gunpowder, &c.*] Any justice of the peace of any county or place in which any machine, engine, implement, or thing, or any gunpowder or other explosive, dangerous, or noxious substance, is suspected to be made, kept, or carried for the purpose of being used in committing any of the felonies in this Act mentioned, upon reasonable cause assigned upon oath by any person, may issue a warrant under his hand and seal for searching in the daytime any house, mill, magazine, storehouse, warehouse, shop, cellar, yard, wharf, or other place, or any carriage, waggon, cart, ship, boat, or vessel, in which the same is suspected to be made, kept, or carried for such purpose as hereinbefore mentioned; and every person acting in the execution of any such warrant shall have, for seizing, removing to proper places, and detaining every such machine, engine,

implement, and thing, and all such gunpowder, explosive, dangerous, or noxious substances found upon such search, which he shall have good cause to suspect to be intended to be used in committing any such offence, and the barrels, packages, cases, and other receptacles in which the same shall be, the same powers and protections which are given to persons searching for unlawful quantities of gunpowder under the warrant of a justice by the Act passed in the session held in the twenty-third and twenty-fourth years of the reign of her present Majesty, chapter one hundred and thirty-nine, intituled "An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and use of Fireworks."

Other matters.

56. *Principals in the second degree and accessories. Abetors in misdemeanors.* [In the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall on conviction be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanor punishable under this Act shall be liable to be proceeded against, indicted, and punished as a principal offender.

57. *A person loitering at night, and suspected of any felony against this Act, may be apprehended.* [Any constable or peace officer may take into custody without warrant, any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall have good cause to suspect of having committed or being about to commit any felony against this Act, and shall take such person as soon as reasonably may be before a justice of the peace, to be dealt with according to law.

58. *Malice against owner of property unnecessary.* [Every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment or upon summary conviction, shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

59. *Provisions of this Act shall apply to persons in possession of the property injured.* [Every provision of this Act not hereinbefore so applied shall apply to every person who, with intent to injure or defraud any other person, shall do any of the acts hereinbefore made penal, although the offender shall be in possession of the property against or in respect of which such act shall be done.

60. *Intent to injure or defraud particular persons need not be stated in any indictment.* [It shall be sufficient in any indictment for any offence against this Act, where it shall be necessary to allege an intent to injure or defraud, to allege that the party accused did the act with intent to injure or defraud (as the case may be) without alleging an intent to injure or defraud any particular person; and on the trial of any such offence it shall not be necessary to prove an intent to injure or defraud any particular person, but it shall be sufficient to prove that the party accused did the Act charged with an intent to injure or defraud (as the case may be).

61. *Persons in the act of committing any offence may be apprehended without a warrant.* [Any person found committing any offence against this Act, whether the same be punishable upon indictment or upon summary conviction, may be immediately apprehended, without a warrant, by any peace officer, or the owner of the property injured, or his servant, or any person authorised by him, and forthwith taken before some neighbouring justice of the peace, to be dealt with according to law.

62. *Mode of compelling the appearance of persons punishable on summary conviction.* [Where any person shall be charged on the oath of a credible witness before any justice of the peace with any offence punishable on summary conviction under this Act, the justice may summon the person charged to appear at a time and place to be named in such summons; and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person by delivering the same to him personally, or by leaving the same at his usual place of abode) the justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person and

bringing him before himself or some other justice of the peace; or the justice before whom the charge shall be made may (if he shall so think fit), without any previous summons (unless where otherwise specially directed), issue such warrant; and the justice before whom the person charged shall appear or be brought shall proceed to hear and determine the case.

63. *Abettors in offences punishable on summary conviction.* [Whosoever shall aid, abet, counsel, or procure the commission of any offence which is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, shall, on conviction before a justice of the peace, be liable, for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is by this Act made liable.

64. *Application of forfeitures and penalties upon summary convictions. Proviso where several persons join in commission of same offence.* [Every sum of money which shall be forfeited for the amount of any injury done shall be assessed in each case by the convicting justice, and shall be paid to the party aggrieved, except where he is unknown, and in that case such sum shall be applied in the same manner as a penalty; and every sum which shall be imposed as a penalty by any justice of the peace, whether in addition to such amount or otherwise, shall be paid and applied in the same manner as other penalties recoverable before justices of the peace are to be paid and applied in cases where the statute imposing the same contains no directions for the payment thereof to any person: provided that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved than such value or amount; and the remaining sum or sums forfeited shall be applied in the same manner as any penalty imposed by a justice of the peace is hereinbefore directed to be applied.

65. *If a person summarily convicted shall not pay, &c., the justice may commit him.* [In every case of a summary conviction under this Act where the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the justice, shall not be paid, either immediately after the conviction, or within such period as the justice shall, at the time of the conviction, appoint, the convicting justice (unless where otherwise specially directed) may commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the justice, for any term not exceeding two months, where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be) together with the costs, shall not exceed five pounds; and for any term not exceeding four months where the amount, with costs, shall not exceed ten pounds; and for any term not exceeding six months in any other case; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

66. *The justice may discharge the offender in certain cases.* [Where any person shall be summarily convicted before a justice of the peace of any offence against this Act, and it shall be a first conviction, the justice may, if he shall so think fit, discharge the offender from his conviction upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the justice.

67. *A summary conviction shall be a bar to any other proceeding for the same cause.* [When any person convicted of any offence punishable upon summary conviction by virtue of this Act, shall have paid the sum adjudged to be paid, together with costs, under such conviction, or shall have received a remission thereof from the Crown, or the Lord Lieutenant or other chief governor of Ireland, or shall have suffered the imprisonment awarded for non-payment thereof, or the imprisonment awarded in the first instance, or shall have been so discharged from his conviction by any justice as aforesaid, he shall be released from all further or other proceedings for the same cause.

68. *Appeal.* [In all cases where the sum adjudged to be paid on any summary conviction shall exceed five pounds, or the imprisonment adjudged shall exceed one month, or the conviction shall take place before one justice only, any person who shall think himself aggrieved by any such conviction may appeal to the next court of general or quarter sessions which shall be held not less than twelve days after the day of such conviction, for the county or place wherein the cause of com-

plaint shall have arisen; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or shall enter into a recognizance, with two sufficient sureties, before a justice of the peace, conditioned personally to appear at the said sessions and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; or if such appeal shall be against any conviction whereby only a penalty or sum of money shall be adjudged to be paid, shall deposit with the clerk of the convicting justice such a sum of money as such justice shall deem to be sufficient to cover the sum so adjudged to be paid, together with the costs of the conviction and the costs of the appeal; and upon such notice being given and such recognizance being entered into, or such deposit being made, the justice before whom such recognizance shall be entered into, or such deposit shall be made, shall liberate such person if in custody; and the Court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet; and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment; and in any case where after any such deposit shall have been made as aforesaid the conviction shall be affirmed, the Court may order the sum thereby adjudged to be paid, together with the costs of the conviction and the costs of the appeal, to be paid out of the money deposited, and the residue thereof, if any, to be repaid to the party convicted; and in any case where after any such deposit the conviction shall be quashed, the Court shall order the money deposited to be repaid to the party convicted; and in every case where any conviction shall be quashed on appeal as aforesaid, the clerk of the peace or other proper officer shall forthwith indorse on the conviction a memorandum that the same has been quashed; and whenever any copy or certificate of such conviction shall be made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction has been quashed in every case where such copy or certificate would be sufficient evidence of such conviction.

69. *No certiorari, &c.*] No such conviction, or adjudication made on appeal therefrom, shall be quashed for want of form, or be removed by certiorari into any of her Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

70. *Convictions to be returned to the quarter sessions. How far evidence in future cases.*] Every justice of the peace before whom any person shall be convicted of any offence against this Act shall transmit the conviction to the next court of general or quarter sessions which shall be holden for the county or place wherein the offence shall have been committed, there to be kept by the proper officer among the records of the court; and upon any indictment or information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shown.

71. *Venue in proceedings against persons acting under this Act. Notice of action. General issue, &c.*] All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be laid and tried in the county where the fact was committed, and shall be commenced within six months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant, and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment

shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant has by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be shall certify his approbation of the action.

72. *Offences committed within the jurisdiction of the Admiralty.*] All indictable offences mentioned in this Act which shall be committed within the jurisdiction of the Admiralty of England or Ireland shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon the land in England or Ireland, and may be dealt with, inquired of, tried, and determined in any county or place in England or Ireland in which the offender shall be apprehended or be in custody, in the same manner in all respects as if they had been actually committed in that county or place, and in any indictment for any such offence, or for being an accessory to such an offence, the venue in the margin shall be the same as if the offence had been committed in such county or place, and the offence shall be averred to have been committed "on the high seas;" provided that nothing herein contained shall alter or affect any of the laws relating to the government of her Majesty's land or naval forces.

73. *Fine and sureties for keeping the peace; in what cases.*] Whenever any person shall be convicted of any indictable misdemeanour punishable under this Act, the Court may, if it shall think fit, in addition to or in lieu of any of the punishments by this Act authorised, fine the offender, and require him to enter into his own recognizances, and to find sureties, both or either for keeping the peace and being of good behaviour; and in case of any felony punishable under this Act, the Court may, if it shall think fit, require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorised: provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

74. *Hard labour.*] Whenever imprisonment, with or without hard labour, may be awarded for any indictable offence under this Act, the Court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction.

75. *Solitary confinement and whipping.*] Whenever solitary confinement may be awarded for any indictable offence under this Act, the Court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year; and whenever whipping may be awarded for any indictable offence under this Act, the Court may sentence the offender to be once privately whipped; and the number of strokes, and the instrument with which they shall be inflicted, shall be specified by the Court in the sentence.

76. *Summary proceedings in England may be under the 11 & 12 Vict. c. 43., and in Ireland under the 14 & 15 Vict. c. 93; except in London and the Metropolitan Police district.*] Every offence hereby made punishable on summary conviction may be prosecuted in England in the manner directed by the Act of the session holden in the eleventh and twelfth years of Queen Victoria, chapter forty-three, so far as no provision is hereby made for any matter or thing which may be required to be done in the course of such prosecution, and may be prosecuted in Ireland before two or more justices of the peace, or one metropolitan or stipendiary magistrate, in the manner directed by the Act of the session holden in the fourteenth and fifteenth years of Queen Victoria, chapter ninety-three, or in such other manner as may be directed by any Act that be passed for like purposes, and all provisions contained in the said Acts shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act: provided that nothing in this Act contained shall in any manner alter or affect any enactment relating to procedure in the case of any offence punishable on summary conviction within the city of London or the Metropolitan Police district, or the recovery or application of any penalty or forfeiture for any such offence.

77. *The costs of the prosecution of misdemeanors against this Act may be allowed.*] The Court before which any indictable misdemeanor against this Act shall be prosecuted or tried may allow the costs of the prosecution in the same manner as in cases of felony; and every order for the payment of such costs

shall be made out, and the sum of money mentioned therein paid and repaid, upon the same terms and in the same manner in all respects as in cases of felony.

78. *Act not to extend to Scotland.*] Nothing in this Act contained shall extend to Scotland, except as hereinbefore otherwise expressly provided.

79. *Commencement of Act.*] This Act shall commence and take effect on the first day of November, one thousand eight hundred and sixty-one.

CAP. XCVIII.

An Act to consolidate and amend the Statute Law of England and Ireland relating to indictable Offences by Forgery.

[6th August, 1861.]

WHEREAS it is expedient to consolidate and amend the statute law of England and Ireland relating to indictable offences by forgery: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

As to forging her Majesty's seals:

1. *Forging the great seal, privy seal, &c.*] Whosoever shall forge or counterfeit, or shall utter, knowing the same to be forged or counterfeited, the great seal of the United Kingdom, her Majesty's privy seal, any privy signet of her Majesty, her Majesty's royal sign manual, any of her Majesty's seals appointed by the twenty-fourth article of the union between England and Scotland to be kept, used, and continued in Scotland, the great seal of Ireland, or the privy seal of Ireland, or shall forge or counterfeit the stamp or impression of any of the seals aforesaid, or shall utter any document or instrument whatsoever, having thereon or affixed thereto the stamp or impression of any such forged or counterfeited seal, knowing the same to be the stamp or impression of such forged or counterfeited seal, or any forged or counterfeited stamp or impression made or apparently intended to resemble the stamp or impression of any of the seals aforesaid, knowing the same to be forged or counterfeited, or shall forge or alter, or utter, knowing the same to be forged or altered, any document or instrument having any of the said stamps or impressions thereon or affixed thereto, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to forging transfers of stock, &c.:

2. *Forging transfer of certain stock, and power of attorney relating thereto.*] Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any transfer of any share or interest of or in any stock, annuity, or other public fund which now is or hereafter may be transferable at the Bank of England or at the Bank of Ireland, or of or in the capital stock of any body corporate, company, or society which now is or hereafter may be established by charter, or by, under, or by virtue of any Act of Parliament, or shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest of or in any such stock, annuity, public fund, or capital stock, or to receive any dividend or money payable in respect of any such share or interest, or shall demand or endeavour to have any such share or interest transferred, or to receive any dividend or money payable in respect thereof, by virtue of any such forged or altered power of attorney or other authority, knowing the same to be forged or altered, with intent in any of the cases aforesaid to defraud, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

3. *Personating the owner of certain stock, and transferring or receiving or endeavouring to transfer or receive the dividends.*] Whosoever shall falsely and deceitfully personate any owner of any share or interest of or in any stock, annuity, or other public fund which now is or hereafter may be transferable at the Bank of England, or at the Bank of Ireland, or any owner of any share or interest of or in the capital stock

of any body corporate, company, or society which now is or hereafter may be established by charter, or by, under, or by virtue of any Act of Parliament, or any owner of any dividend or money payable in respect of any such share or interest as aforesaid, and shall thereby transfer or endeavour to transfer any share or interest belonging to any such owner, or thereby receive or endeavour to receive any money due to any such owner, as if such offender were the true and lawful owner, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

4. *Forging attestation of power of attorney for transfer of stock, &c.*] Whosoever shall forge any name, handwriting, or signature purporting to be the name, handwriting, or signature of a witness attesting the execution of any power of attorney or other authority to transfer any share or interest of or in any such stock, annuity, public fund, or capital stock as is in either of the last two preceding sections mentioned, or to receive any dividend or money payable in respect of any such share or interest, or shall offer, utter, dispose of, or put off any such power of attorney or other authority, with any such forged name, handwriting, or signature thereon, knowing the same to be forged, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

5. *Making false entries in the books of the public funds.*] Whosoever shall wilfully make any false entry in, or wilfully alter any word or figure in, any of the books of account kept by the Governor and Company of the Bank of England or the Governor and Company of the Bank of Ireland, in which books the accounts of the owners of any stock, annuities, or other public funds which now are or hereafter may be transferable at the Bank of England or at the Bank of Ireland shall be entered and kept, or shall in any manner wilfully falsify any of the accounts of any of such owners in any of the said books, with intent in any of the cases aforesaid to defraud, or shall wilfully make any transfer of any share or interest of or in any stock, annuity, or other public fund which now is or hereafter may be transferable at the Bank of England or at the Bank of Ireland, in the name of any person not being the true and lawful owner of such share or interest, with intent to defraud, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

6. *Clerks of the bank making out false dividend warrants.*] Whosoever, being a clerk, officer, or servant of or other person employed or entrusted by the Governor and Company of the Bank of England or the Governor and Company of the Bank of Ireland, shall knowingly make out or deliver any dividend warrant, or warrant for payment of any annuity, interest, or money payable at the Bank of England or Ireland, for a greater or less amount than the person on whose behalf such warrant shall be made out is entitled to, with intent to defraud, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to forging India bonds:

7. *Forging an East India bond.*] Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any bond commonly called an East India bond, or any bond, debenture, or security issued or made under the authority of any Act passed or to be passed relating to the East Indies, or any indorsement on or assignment of any such bond, debenture, or security, with intent to defraud, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to forging exchequer bills, &c.:

8. *Forging exchequer bills, bonds, and debentures, &c.]* Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any exchequer bill or exchequer bond or exchequer debenture, or any indorsement on or assignment of any exchequer bill or exchequer bond or exchequer debenture, or any receipt or certificate for interest accruing thereon, with intent to defraud, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years,—or to be imprisoned for any term not exceeding two years with or without solitary confinement.

9. *Making plates, &c., in imitation of those used for exchequer bills, &c.]* Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall make or cause or procure to be made, or shall aid or assist in making, or shall knowingly have in his custody or possession, any frame, mould, or instrument having therein any words, letters, figures, marks, lines, or devices peculiar to and appearing in the substance of any paper provided or to be provided or used for exchequer bills or exchequer bonds or exchequer debentures, or any machinery for working any threads into the substance of any paper, or any such thread, and intended to imitate such words, letters, figures, marks, lines, threads, or devices, or any plate peculiarly employed for printing such exchequer bills, bonds, or debentures, or any die or seal peculiarly used for preparing any such plate, or for sealing such exchequer bills, bonds, or debentures, or any plate, die, or seal intended to imitate any such plate, die, or seal as aforesaid, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

10. *Making paper in imitation of that used for exchequer bills, &c.]* Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall make or cause or procure to be made, or aid or assist in making, any paper in the substance of which shall appear any words, letters, figures, marks, lines, threads, or other devices peculiar to and appearing in the substance of any paper provided or to be provided or used for such exchequer bills, bonds, or debentures, or any part of such words, letters, figures, marks, lines, threads, or other devices, and intended to imitate the same, or shall knowingly have in his custody or possession any paper whatsoever, in the substance whereof shall appear any such words, letters, figures, marks, lines, threads, or devices as aforesaid, or any parts of such words, letters, figures, marks, lines, threads, or devices, and intended to imitate the same, or shall cause or assist in causing any such words, letters, figures, marks, lines, threads, or devices as aforesaid, or any part of such words, letters, figures, marks, lines, threads, or other devices, and intended to imitate the same, to appear in the substance of any paper whatever, or shall take or assist in taking any impression of any such plate, die, or seal, as in the last preceding section mentioned, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

11. *Having in possession paper, plates, or dies to be used for exchequer bills, &c.]* Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall purchase or receive or knowingly have in his custody or possession, any paper manufactured and provided by or under the directions of the Commissioners of Inland Revenue or Commissioners of her Majesty's Treasury, for the purpose of being used as exchequer bills or exchequer bonds or exchequer debentures, before such paper shall have been duly stamped, signed, and issued for public use, or any such plate, die, or seal as in the last two preceding sections mentioned, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding three years, with or without hard labour.

As to forging bank notes:

12. *Forging a bank note, &c.]* Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any note or bill of exchange of the Gover-

nor and Company of the Bank of England, or of the Governor and Company of the Bank of Ireland, or of any other body corporate, company, or person carrying on the business of bankers, commonly called a bank note, a bank bill of exchange, or a bank post bill, or any indorsement on or assignment of any bank note, bank bill of exchange, or bank post bill, with intent to defraud, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

13. *Purchasing or receiving or having forged bank notes.]* Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall purchase or receive from any other person, or have in his custody or possession, any forged bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, knowing the same to be forged, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour.

As to the making and engraving plates, &c., for bank notes, &c.:

14. *Making or having mould for making paper with the words "Bank of England" or "Bank of Ireland," or with curved bar lines, &c., or selling such paper.]* Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall make or use, or knowingly have in his custody or possession, any frame, mould, or instrument for the making of paper with the words "Bank of England" or "Bank of Ireland," or any part of such words intended to resemble and pass for the same, visible in the substance of the paper, or for the making of paper with curved or waving bar lines, or with the laying wire lines thereof in a waving or curved shape, or with any number, sum, or amount expressed in a word or words in Roman letters, visible in the substance of the paper, or with any device or distinction peculiar to and appearing in the substance of the paper used by the Governor and Company of the Banks of England and Ireland respectively for any notes, bills of exchange, or bank post bills of such banks respectively, or shall make, use, sell, expose to sale, utter, or dispose of, or knowingly have in his custody or possession, any paper whatsoever with the words "Bank of England" or "Bank of Ireland," or any part of such words intended to resemble and pass for the same, visible in the substance of the paper, or any paper with curved or waving bar lines, or with the laying wire lines thereof in a waving or curved shape, or with any number, sum, or amount expressed in a word or words in Roman letters, appearing visible in the substance of the paper, or with any device or distinction peculiar to and appearing in the substance of the paper used by the Governor and Company of the Banks of England and Ireland respectively for any notes, bills of exchange, or bank post bills of such banks respectively, or shall cause the numerical sum or amount of any bank note, bank bill of exchange, or bank post bill, blank bank note, blank bank bill of exchange, or blank bank post bill, in a word or words in Roman letters, to appear visible in the substance of the paper whereon the same shall be written or printed, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour.

15. *Proviso as to paper used for bills of exchange, &c.]* Nothing in the last preceding section contained shall prevent any person from issuing any bill of exchange or promissory note having the amount thereof expressed in guineas, or in a numerical figure or figures denoting the amount thereof in pounds sterling, appearing visible in the substance of the paper upon which the same shall be written or printed, nor shall prevent any person from making, using, or selling any paper

having waving or curved lines or any other devices in the nature of watermarks visible in the substance of the paper, not being bar lines or laying wire lines, provided the same are not so contrived as to form the groundwork or texture of the paper, or to resemble the waving or curved laying wire lines or bar lines or the watermarks of the paper used by the Governor and Company of the Banks of England and Ireland respectively.

16. *Engraving or having any plate, &c., for making notes of Bank of England or Ireland, or other banks, or having such plate, &c., or uttering or having paper upon which a blank bank note, &c., shall be printed.]* Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall engrave or in anywise make upon any plate whatsoever, or upon any wood, stone, or other material, any promissory note, bill of exchange, or bank post bill, or part of a promissory note, bill of exchange, or bank post bill, purporting to be a bank note, bank bill of exchange, or bank post bill of the Governor and Company of the Bank of England or of the Governor and Company of the Bank of Ireland, or of any other body corporate, company, or person carrying on the business of bankers, or to be a blank bank note, blank promissory note, blank bank bill of exchange, or blank bank post bill of the Governor and Company of the Bank of England or of the Governor and Company of the Bank of Ireland, or of any such other body corporate, company, or person as aforesaid, or to be a part of a bank note, promissory note, bank bill of exchange, or bank post bill of the Governor and Company of the Bank of England or of the Governor and Company of the Bank of Ireland, or of any such other body corporate, company, or person as aforesaid, or any name, word, or character resembling or apparently intended to resemble any subscription to any bill of exchange or promissory note issued by the Governor and Company of the Bank of England or the Governor and Company of the Bank of Ireland, or by any such other body corporate, company, or person as aforesaid, or shall use any such plate, wood, stone, or other material, or any other instrument or device, for the making or printing any bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, or part of a bank note, bank bill of exchange, or bank post bill, or knowingly have in his custody or possession any such plate, wood, stone, or other material, or any such instrument or device, or shall knowingly offer, utter, dispose of, or put off, or have in his custody or possession, any paper upon which any blank note, blank bank bill of exchange, or blank bank post bill of the Governor and Company of the Bank of England or of the Governor and Company of the Bank of Ireland, or of any such other body corporate, company, or person as aforesaid, or part of a bank note, bank bill of exchange, or bank post bill, or any name, word, or character resembling or apparently intended to resemble any such subscription, shall be made or printed, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

17. *Engraving on a plate, &c., any word, number, or device resembling part of a bank note or bill, or using or having any such plate, &c., or uttering or having any paper on which any such word, &c., is impressed.]* Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall engrave or in anywise make upon any plate whatsoever, or upon any wood, stone, or other material, any word, number, figure, device, character, or ornament the impression taken from which shall resemble or apparently be intended to resemble any part of a bank note, bank bill of exchange, or bank post bill of the Governor and Company of the Bank of England or of the Governor and Company of the Bank of Ireland, or of any other body corporate, company, or person carrying on the business of bankers, or shall use, or knowingly have in his custody or possession, any such plate, wood, stone, or other material, or any other instrument or device for the impressing or making upon any paper or other material any word, number, figure, character, or ornament which shall resemble or apparently be intended to resemble any part of a bank note, bank bill of exchange, or bank post bill of the Governor and Company of the Bank of England or of the Governor and Company of the Bank of Ireland, or of any such other body corporate, company, or person as aforesaid, or shall knowingly offer, utter, dispose of, or put off, or have in his custody or possession, any paper or other material upon which there shall be an impression of any

such matter as aforesaid, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,--or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

18. *Making or having mould for making paper with the name of any banker, or making or having such paper.*—Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall make or use any frame, mould, or instrument for the manufacture of paper, with the name or firm of any body corporate, company, or person, carrying on the business of bankers) other than and except the Banks of England and Ireland respectively), appearing visible in the substance of the paper, or knowingly have in his custody or possession any such frame, mould, or instrument, or make, use, sell, expose to sale, utter or dispose of, or knowingly have in his custody or possession, any paper in the substance of which the name or firm of any such body corporate, company, or person to appear visible, or by any art or contrivance cause the name or firm of any such body corporate, company, or person to appear visible in the substance of the paper upon which the same shall be written or printed, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

19. *Engraving plates for foreign bills or notes, or using or having such plates, or uttering paper on which any part of any such bill or note is printed.]* Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall engrave or in anywise make upon any plate whatsoever, or upon any wood, stone, or other material, any bill of exchange, promissory note, undertaking, or order for payment of money, or any part of any bill of exchange, promissory note, undertaking, or order for payment of money, in whatsoever language the same may be expressed, and whether the same shall or shall not be or intended to be under seal purporting to be the bill, note, undertaking, or order of any foreign prince or state, or of any minister or officer in the service of any foreign prince or state, or of any body corporate or body of the like nature, constituted or recognized by any foreign prince or state, or of any person or company of persons resident in any country not under the dominion of her Majesty or shall use, or knowingly have in his custody or possession any plate, stone, wood, or other material upon which any such foreign bill, note, undertaking, or order, or any part thereof shall be engraved or made, or shall knowingly offer, utter, dispose of, or put off, or have in his custody or possession, any paper upon which any part of any such foreign bill, note, undertaking, or order shall be made or printed, shall be guilty of a felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to forging deeds, wills, bills of exchange, &c.

20. *Forging deeds, bonds, &c.]* Whosoever, with intent to defraud, shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any deed, or any bond or writing obligatory, or any assignment at law or in equity of any such bond or writing obligatory, or shall forge any name, handwriting, or signature purporting to be the name, handwriting, or signature of a witness attesting the execution of any deed, bond, or writing obligatory, or shall offer, utter, dispose of, or put off any deed, bond, or writing obligatory having thereon any such forged name, handwriting, or signature, knowing the same to be forged, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

21. **Forging wills.**] Whosoever, with intent to defraud, shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any will, testament, codicil, or testamentary instrument, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term.

not exceeding two years, with or without hard labour, and with or without solitary confinement.

22. *Forging bills of exchange or promissory notes.*] Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any bill of exchange, or any acceptance, indorsement, or assignment of any bill of exchange, or any promissory note for the payment of money, or any indorsement or assignment of any such promissory note, with intent to defraud, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

23. *Forging orders, &c., receipts, &c., for money, goods, &c.*] Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any undertaking, warrant, order, authority, or request for the payment of money, or for the delivery or transfer of any goods or chattels, or of any note, bill, or other security for the payment of money, or for procuring or giving credit, or any indorsement on or assignment of any such undertaking, warrant, order, authority, or request, or any accountable receipt, acquittance, or receipt for money or for goods, or for any note, bill, or other security for the payment of money, or any indorsement on or assignment of any such accountable receipt, with intent in any of the cases aforesaid, to defraud, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

24. *Any person making or accepting any bill, note, &c., by procuration, without lawful authority, or uttering any such bill, note, &c., so made or accepted, with intent to defraud, to be guilty of felony.*] Whosoever, with intent to defraud, shall draw, make, sign, accept, or indorse any bill of exchange or promissory note, or any undertaking, warrant, order, authority, or request, for the payment of money, or for the delivery or transfer of goods or chattels, or of any bill, note, or other security for money, by procuration or otherwise, for, in the name, or on the account of any other person, without lawful authority or excuse, or shall offer, utter, dispose of, or put off any such bill, note, undertaking, warrant, order, authority, or request so drawn, made, signed, accepted, or indorsed by procuration or otherwise, without lawful authority or excuse, as aforesaid, knowing the same to have been so drawn, made, signed, accepted, or indorsed as aforesaid, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

25. *Obliterating crossings on cheques.*] Whenever any cheque or draft on any banker shall be crossed with the name of a banker, or with two transverse lines with the words "and company," or any abbreviation thereof, whosoever shall obliterate, add to, or alter any such crossing, or shall offer, utter, dispose of, or put off any cheque or draft wherein any such obliteration, addition, or alteration has been made, knowing the same to have been made, with intent, in any of the cases aforesaid, to defraud, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

26. *Forging debentures.*] Whosoever shall fraudulently forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any debenture issued under any lawful authority whatsoever, either within her Majesty's dominions or elsewhere, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to forging records, process, instruments of evidence, &c.:

27. *Forging proceedings of courts of record or courts of equity.*] Whosoever shall forge or fraudulently alter, or shall

offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any record, writ, return, panel, process, rule, order, warrant, interrogatory, deposition, affidavit, affirmation, recognizance, cognovit actionem, or warrant of attorney, or any original document whatsoever of or belonging to any court of record, or any bill, petition, process, notice, rule, answer, pleading, interrogatory, deposition, affidavit, affirmation, report, order, or decree, or any original document whatsoever of or belonging to any court of equity or court of admiralty in England or Ireland, or any document or writing, or any copy of any document or writing, used or intended to be used as evidence in any court in this section mentioned, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

28. *Forging copies or certificates of records, process of courts not of record, and using forged process.*] Whosoever, being the clerk of any court, or other officer having the custody of the records of any court, or being the deputy of any such clerk or officer, shall utter any false copy or certificate of any record, knowing the same to be false; and whosoever, other than such clerk, officer, or deputy, shall sign or certify any copy or certificate of any record as such clerk, officer, or deputy; and whosoever shall forge or fraudulently alter, or offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any copy or certificate of any record, or shall offer, utter, dispose of, or put off any copy or certificate of any record having thereon any false or forged name, handwriting, or signature, knowing the same to be false or forged; and whosoever shall forge the seal of any court of record, or shall forge or fraudulently alter any process, of any court other than such courts as in the last preceding section mentioned, or shall serve or enforce any forged process of any court whatsoever, knowing the same to be forged, or shall deliver or cause to be delivered to any person any paper falsely purporting to be any such process, or a copy thereof, or to be any judgment, decree, or order of any court of law or equity, or a copy thereof, knowing the same to be false, or shall act or profess to act under any such false process, knowing the same to be false, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

29. *Forging instruments made evidence by any Act of Parliament.*] Whosoever shall forge or fraudulently alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any instrument, whether written or printed, or partly written and partly printed, which is or shall be made evidence by any Act passed or to be passed, and for which offence no punishment is herein provided, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to forging court rolls:

30. *Forging court rolls.*] Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any court roll or copy of any court roll, relating to any copyhold or customary estate, with intent to defraud, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to forging registers of deeds:

31. *Forgery as to the registry of deeds.*] Whosoever shall forge or fraudulently alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any memorial, affidavit, affirmation, entry, certificate, indorsement, document, or writing, made or issued under the provisions of any Act passed or hereafter to be passed for or relating to the registry of deeds, or shall forge or counterfeit the seal of or belonging to any office for the registry of deeds

or any stamp or impression of any such seal; or shall forge any name, handwriting, or signature purporting to be the name, handwriting, or signature of any person to any such memorial, affidavit, affirmation, entry, certificate, indorsement, document, or writing which shall be required or directed to be signed by or by virtue of any Act passed or to be passed, or shall offer, utter, dispose of, or put off any such memorial or other writing as in this section before mentioned, having thereon any such forged stamp or impression of any such seal, or any such forged name, handwriting, or signature, knowing the same to be forged, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to forging orders, &c. of justices of the peace:

32. *Forging orders of justices, recognizances, affidavits, &c.]* Whosoever, with intent to defraud, shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any summons, conviction, order, or warrant of any justice of the peace, or any recognizance purporting to have been entered into before any justice of the peace, or other officer authorised to take the same, or any examination, deposition, affidavit, affirmation, or solemn declaration taken or made before any justice of the peace, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to forging the name of the Accountant-General, &c.:

33. *Forging name of Accountant-General, &c., of Court of Chancery in England or Ireland, or of any judge of the Landed Estates Court in Ireland.]* Whosoever, with intent to defraud, shall forge or alter any certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument, or writing, made or purporting or appearing to be made by the Accountant-General, or any other officer of the Court of Chancery in England or Ireland, or by any judge or officer of the Landed Estates Court in Ireland, or by any officer of any court in England or Ireland, or by any cashier or other officer or clerk of the Governor and Company of the Bank of England or Ireland, or the name, handwriting, or signature of any such accountant-general, judge, cashier, officer, or clerk as aforesaid, or shall offer, utter, dispose of, or put off any such certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument, or writing, knowing the same to be forged or altered, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to falsely acknowledging recognizances, &c.:

34. *Acknowledging recognizance, bail, cognovit, &c., in the name of another.]* Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall, in the name of any other person, acknowledge any recognizance or bail, or any cognovit actionem, or judgment, or any deed or other instrument, before any court, judge, or other person lawfully authorized in that behalf, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to forging marriage licences:

35. *Forging or uttering marriage licence or certificate.]* Whosoever shall forge or fraudulently alter any licence or certificate for marriage, or shall offer, utter, dispose of, or put off any such licence or certificate, knowing the same to be forged or fraudulently altered, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to forging registers of births, marriages, and deaths:

36. *Forging registers of births, baptisms, marriages, deaths, or burials.]* Whosoever shall unlawfully destroy, deface, or injure, or cause or permit to be destroyed, defaced, or injured, any register of births, baptisms, marriages, deaths, or burials which now is or hereafter shall be by law authorised or required to be kept in England or Ireland, or any part of any such register, or any certified copy of any such register, or any part thereof, or shall forge or fraudulently alter in any such register any entry relating to any birth, baptism, marriage, death, or burial, or any part of any such register, or any certified copy of such register, or of any part thereof, or shall knowingly and unlawfully insert or cause or permit to be inserted in any such register, or in any certified copy thereof, any false entry of any matter relating to any birth, baptism, marriage, death, or burial, or shall knowingly and unlawfully give any false certificate relating to any birth, baptism, marriage, death, or burial, or shall certify any writing to be a copy or extract from any such register, knowing such writing, or the part of such register whereof such copy or extract shall be so given, to be false in any material particular, or shall forge or counterfeit the seal of or belonging to any register office or burial board, or shall offer, utter, dispose of, or put off any such register, entry, certified copy, certificate, or seal, knowing the same to be false, forged, or altered, or shall offer, utter, dispose of, or put off any copy of any entry in any such register, knowing such entry to be false, forged, or altered, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

37. *Making false entries in copies of register sent to registrar.]* Whosoever shall knowingly and wilfully insert or cause or permit to be inserted in any copy of any register directed or required by law to be transmitted to any registrar or other officer any false entry of any matter relating to any baptism, marriage, or burial, or shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any copy of any register so directed or required to be transmitted as aforesaid, or shall knowingly and wilfully sign or verify any copy of any register so directed or required to be transmitted as aforesaid, which copy shall be false in any part thereof, knowing the same to be false, or shall unlawfully destroy, deface, or injure, or shall for any fraudulent purpose take from its place of deposit, or conceal, any such copy of any register, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to demanding property upon forged instruments:

38. *Demanding property upon forged instruments.]* Whosoever, with an intent to defraud, shall demand, receive, or obtain, or cause or procure to be delivered or paid to any person, or endeavour to receive or obtain, or to cause or procure to be delivered or paid to any person, any chattel, money, security for money or other property whatsoever, under, upon, or by virtue of any forged or altered instrument whatsoever, knowing the same to be forged or altered, or under, upon, or by virtue of any probate or letters of administration, knowing the will, testament, codicil, or testamentary writing on which such probate or letters of administration shall have been obtained to have been forged or altered, or knowing such probate or letters of administration to have been obtained by any false oath, affirmation, or affidavit, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

As to other matters:

39. *Forging any instrument, however designated, which is in law a will, bill of exchange, &c.]* Where by this or by any other Act any person is or shall hereafter be made liable to punishment for forging or altering, or for offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any instrument or writing designated in such Act by any special name or description, and such instrument or writing, however designated, shall be in law a will, testament codicil, or any other instrument or writing, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

all, or testamentary writing, or a deed, bond, or writing obligator, or a bill of exchange, or a promissory note for the payment of money, or an indorsement on or assignment of a bill of exchange or promissory note for the payment of money, or an acceptance of a bill of exchange, or an undertaking, warrant, order, authority, or request for the payment of money, or an indorsement on or assignment of an undertaking, warrant, order, authority, or request for the payment of money, within the true, intent and meaning of this Act, in every such case the person forging or altering such instrument or writing, or offering, uttering, disposing of, or putting off such instrument or writing, knowing the same to be forged or altered, may be indicted as an offender against this Act, and punished accordingly.

40. *Forging, &c., in England or Ireland documents purporting to be made, or actually made, out of England and Ireland; forging, &c., in England or Ireland bills of exchange, &c., purporting to be payable out of England or Ireland.]* Where the forging or altering any writing or matter whatsoever, or the offering, uttering, disposing of, or putting off any writing or matter whatsoever, knowing the same to be forged or altered, in this Act expressed to be an offence, if any person shall, in England or Ireland, forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any such writing or matter in whatsoever place or country out of England and Ireland, whether under the dominion of her Majesty or not, such writing or matter may purport to be made or may have been made, and in whatever language the same or any part thereof may be expressed, every such person, and every person aiding, abetting, or counselling such person, shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the writing or matter had purport to be made or had been made in England or Ireland; and if any person shall in England or Ireland forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any bill of exchange, or any promissory note for the payment of money, or any indorsement on or assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of any bill of exchange, or any undertaking, warrant, order, authority or request for the payment of money, or for the delivery or transfer of any goods or security, or any deed, bond, or writing obligatory for the payment of money (whether such deed, bond, or writing obligatory shall be made only for the payment of money, or for the payment of money together with some other purpose), or any indorsement on or assignment of any such undertaking, warrant, order, authority, request, deed, bond, or writing obligatory may be or may purport to be payable, and in whatever language the same respectively or any part thereof may be expressed, and whether such bill, note, undertaking, warrant, order, authority, or request be or be not under seal, every such person, and every person aiding, abetting, or counselling such person, shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the money had been payable or had purport to be payable in England or Ireland.

41. *Forgers, &c., may be tried in the county where they are apprehended or are in custody.]* If any person shall commit any offence against this Act, or shall commit any offence of forging or altering any matter whatsoever, or of offering, uttering, disposing of, or putting off any matter whatsoever, knowing the same to be forged or altered, whether the offence in any such case shall be indictable at common law, or by virtue of any Act passed or to be passed, every such offender may be dealt with, indicted, tried, and punished, in any county or place in which he shall be apprehended or be in custody, in the same manner in all respects as if his offence had been actually committed in that county or place; and every accessory before or after the fact to any such offence, if the same be a felony, and every person aiding, abetting, or counselling the commission of any such offence, if the same be a misdemeanour, may be dealt with, indicted, tried, and punished, in any county or place in which he shall be apprehended or be in custody, in the same manner in all respects as if his offence, and the offence of his principal, had been actually committed in such county or place.

42. *Description of instrument in indictments for forgery.]* In any indictment for forging, altering, offering, uttering,

disposing, or putting off any instrument it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known or by the purpose thereof, without setting out any copy or fac-simile thereof, or otherwise describing the same or the value thereof.

43. *Description of instruments in indictments for engraving, &c.]* In any indictment for engraving or making the whole or any part of any instrument, matter, or thing whatsoever, or for using or having the unlawful custody or possession of any plate or other material upon which the whole or any part of any instrument, matter, or thing whatsoever shall have been engraved or made, or for having the unlawful custody or possession of any paper upon which the whole or any part of any instrument, matter or thing whatsoever shall have been made or printed, it shall be sufficient to describe such instrument, matter, or thing by any name or designation by which the same may be usually known, without setting out any copy or fac-simile of the whole or any part of such instrument matter, or thing.

44. *Intent to defraud particular persons need not be alleged or proved.]* It shall be sufficient, in any indictment for forging, altering, offering, disposing of, or putting off any instrument whatsoever, where it shall be necessary to allege an intent to defraud, to allege that the party accused did the Act with intent to defraud, without alleging an intent to defraud any particular person; and on the trial of any such offence it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the Act charged with an intent to defraud.

45. *Interpretation as to criminal possession.]* Where the having any matter in the custody or possession of any person is in this Act expressed to be an offence, if any person shall have any such matter in his personal custody or possession, or shall knowingly and wilfully have any such matter in the actual custody or possession of any other person, or shall knowingly and wilfully have any such matter in any dwelling-house or other building, lodging, apartment, field, or other place, open or inclosed, whether belonging to or occupied by himself or not, and whether such matter shall be so had for his own use or for the use or benefit of another, every such person shall be deemed and taken to have such matter in his custody or possession within the meaning of this Act.

46. *Search for paper or implements employed in any forgery, and for forged instruments.]* If it shall be made to appear, by information on oath or affirmation before a justice of the peace, that there is reasonable cause to believe that any person has in his custody or possession, without lawful authority or excuse, any note or bill of the Governor and Company of the Bank of England or Ireland, or of any body corporate, company, or person carrying on the business of bankers, or any frame, mould, or implement for making paper in imitation of the paper used for such notes or bills, or any such paper, or any plate, wood, stone, or other material having thereon any words, forms, devices, or characters capable of producing or intended to produce the impression of any such note or bill or any part thereof, or any tool, implement, or material used or employed or intended to be used or employed in or about any of the operations aforesaid, or any forged security, document, or instrument whatsoever, or any machinery, frame, mould, plate, die, seal, paper, or other matter or thing used or employed or intended to be used or employed in the forgery of any security, document, or instrument whatsoever, such justice may, if he think fit, grant a warrant to search for the same; and if the same shall be found upon such search, it shall be lawful to seize and carry the same before some justice of the county or place, to be by him disposed of according to law; and all such matters and things so seized as aforesaid shall by order of the Court where any such offender shall be tried, or in case there shall be no such trial then by order of some justice of the peace, be defaced and destroyed or otherwise disposed of as such Court or justice shall direct.

47. *Other punishments substituted for those of the 5 Eliz. c. 14, which have been adopted in other Acts.]* Whosoever shall, after the commencement of this Act, be convicted of any offence which shall have been subjected by any Act or Acts to the same pains and penalties as are imposed by the Act passed in the fifth year of the reign of Queen Elizabeth, intituled "An Act against Forgers of False Deeds and Writings," for any of the offences first enumerated in the said Act, shall be guilty of felony, and shall, in lieu of such pains and penalties, be liable, at the discretion of the Court, to be kept in penal servitude for

any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

48. *All forgeries which were capital before the 1 Will 4, c. 66, and are not otherwise punishable under this Act, shall be punished with penal servitude for life, &c.]* Where by any Act now in force any person falsely making, forging, counterfeiting, erasing, or altering any matter whatsoever, or uttering, publishing, offering, disposing of, putting away, or making use of any matter whatsoever, knowing the same to have been falsely made, forged, counterfeited, erased, or altered, or any person demanding or endeavouring to receive or have anything, or to do or cause to be done any act, upon or by virtue of any matter whatsoever, knowing such matter to be falsely made, forged, counterfeited, erased, or altered, would, according to the provisions contained in any such Act, be guilty of felony, and would, before the passing of the Act of the first year of King William the Fourth, chapter sixty-six, have been liable to suffer death as a felon; or where by any act now in force any person falsely personating another, or falsely acknowledging anything in the name of another, or falsely representing any other person than the real party to be such real party, or wilfully making a false entry in any book, account, or document, or in any manner wilfully falsifying any part of any book, account, or document, or wilfully making a transfer of any stock, annuity, or fund in the name of any person not being the owner thereof, or knowingly taking any false oath, or knowingly making any false affidavit or false affirmation, or demanding or receiving any money or other thing by virtue of any probate or letters of administration, knowing the will on which such probate shall have been obtained to have been false or forged, or knowing such probate or letters of administration to have been obtained by means of any false oath or false affirmation, would, according to the provisions contained in any such act, be guilty of felony, and would, before the passing of the said Act of the first year of King William the Fourth have been liable to suffer death as a felon; or where by any Act now in force any person making or using, or knowingly having in his custody or possession, any frame, mould, or instrument for the making of paper, with certain words visible in the substance thereof, or any person making such paper, or causing certain words to appear visible in the substance of any paper, would, according to the provisions contained in any such Act, be guilty of felony, and would before the passing of the said act of the first year of King William the Fourth have been liable to suffer death as a felon; then, and in each of the several cases aforesaid, if any person shall after the commencement of this Act be convicted of any such felony as is hereinbefore in this section mentioned, or of aiding, abetting, counselling, or procuring the commission thereof, and the same shall not be punishable under any of the other provisions of this Act, every such person shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

49. *Principals in the second degree and accessories. Abettors in misdemeanors.]* In the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall on conviction be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanor punishable under this Act shall be liable to be proceeded against, indicted, and punished as a principal offender.

50. *Offences committed within the jurisdiction of the Admiralty.]* All indictable offences mentioned in this Act which shall be committed within the jurisdiction of the Admiralty of England or Ireland shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon the land in England or Ireland, and may be dealt with, inquired of, tried, and determined in any county or place in England or Ireland in which the offender shall be apprehended or be in custody, in the same manner in all respects as if they had been actually committed in that county or place; and in any indictment for any such offence, or for being an accessory to such an offence, the venue in the margin shall be the same as if the offence had been committed in such

county or place, and the offence shall be averred to have been committed on "the high seas;" provided that nothing herein contained shall alter or affect any of the laws relating to the government of her Majesty's land and naval forces.

51. *Fine and sureties for keeping the peace; in what cases.]* Whenever any person shall be convicted of a misdemeanor under this Act it shall be lawful for the Court, if it shall think fit, in addition to or in lieu of any of the punishments by this Act authorised, to fine the offender, and to require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in all cases of felonies in this Act mentioned it shall be lawful for the Court, if it shall think fit, to require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to any of the punishments by this Act authorised: provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

52. *Hard labour.]* Whenever imprisonment, with or without hard labour, may be awarded for any offence under this Act, the Court may sentence the offender to be imprisoned; or to be imprisoned and kept to hard labour, in the common gaol or house of correction.

53. *Solitary confinement.]* Whenever solitary confinement may be awarded for any offence under this Act, the Court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year.

54. *The costs of the prosecution of misdemeanor against this Act may be allowed.]* The Court before which any indictable misdemeanor against this Act shall be prosecuted or tried may allow the costs of the prosecution in the same manner as in cases of felony; and every order for the payment of such costs shall be made out, and the sum of money mentioned therein paid and repaid, upon the same terms and in the same manner in all respects as in cases of felony.

55. *Act not to extend to Scotland.]* Nothing in this Act contained shall extend to Scotland, except as otherwise hereinbefore expressly provided.

56. *Commencement of Act.]* This Act shall commence and take effect on the first day of November, One thousand eight hundred and sixty-one.

CAP. XCIX.

An Act to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin.

[6th August, 1861.]

WHEREAS it is expedient to consolidate and amend the statute law of the United Kingdom against offences relating to the coin: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Interpretation of terms. Current gold and silver. Copper coin. False or counterfeit coin. Current coin. What shall be possession.]* In the interpretation of and for the purposes of this Act, the expression "the Queen's current gold or silver coin" shall include any gold or silver coin coined in any of her Majesty's mints, or lawfully current, by virtue of any proclamation or otherwise, in any part of her Majesty's dominions, whether within the United Kingdom or otherwise; and the expression "the Queen's copper coin" shall include any copper coin and any coin of bronze or mixed metal coined in any of her Majesty's mints, or lawfully current, by virtue of any proclamation or otherwise, in any part of her Majesty's said dominions; and the expression "false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin" shall include any of the current coin which shall have been gilt, silvered, washed, coloured, or cased over, or in any manner altered, so as to resemble or be apparently intended to resemble or pass for any of the Queen's current coin of a higher denomination; and the expression "the Queen's current coin" shall include any coin coined in any of her Majesty's mints, or lawfully current, by virtue of any proclamation or otherwise, in any part of her Majesty's said dominions, and whether made of gold, silver copper, bronze, or mixed metal; and where the having any

matter in the custody or possession of any person is mentioned in this Act, it shall include, not only the having of it by himself in his personal custody or possession, but also the knowingly and wilfully having it in the actual custody or possession of any other person, and also the knowingly and wilfully having it in any dwelling house or other building, lodging, apartment, field, or other place, open or inclosed whether belonging to or occupied by himself or not, and whether such matter shall be so had for his own use or benefit or for that of any other person.

2. *Counterfeiting the gold or silver coin.*] Whosoever shall falsely make or counterfeit any coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

3. *Colouring counterfeit coin or any pieces of metal with intent to make them pass for gold or silver coin. Colouring or altering genuine coin with intent to make it pass for a higher coin.*] Whosoever shall gild or silver, or shall, with any wash or materials capable of producing the colour or appearance of gold or of silver, or by any means whatsoever, wash, case over, or colour any coin whatsoever resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin; or shall gild or silver, or shall, with any wash or materials capable of producing the colour or appearance of gold or of silver, or by any means whatsoever wash, case over, or colour any piece of silver or copper, or of coarse gold or coarse silver, or of any metal or mixture of metals respectively, being of a fit size and figure to be coined, and with intent that the same shall be coined into false and counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin; or shall gild, or shall, with any wash or materials capable of producing the colour or appearance of gold, or by any means whatsoever, wash, case over, or colour any of the Queen's current silver coin, or file or in any manner alter such coin, with intent to make the same resemble or pass for any of the Queen's current gold coin; or shall gild or silver, or shall, with any wash or materials capable of producing the colour or appearance of gold or silver, or by any means whatsoever, wash, case over, or colour any of the Queen's current copper coin, or file or in any manner alter such coin, with intent to make the same resemble or pass for any of the Queen's current gold or silver coin, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

4. *Impairing the gold or silver coin with intent, &c.*] Whosoever shall impair, diminish, or lighten any of the Queen's current gold or silver coin, with intent that the coin so impaired, diminished, or lightened may pass for the Queen's current gold or silver coin, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

5. *Unlawful possession of filings or clippings of gold or silver coins.*] Whosoever shall unlawfully have in his custody or possession any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution, or otherwise, which shall have been produced or obtained by impairing, diminishing, or lightening any of the Queen's current gold or silver coin, knowing the same to have been so produced or obtained, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

6. *Buying or selling, &c., counterfeit gold or silver coin for lower value than its denomination.*] Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party

accused), shall buy, sell, receive, pay, or put off, or offer to buy, sell, receive, pay, or put off, any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin at or for a lower rate or value than the same imports or was apparently intended to import, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and in any indictment for any such offence as in this section aforesaid it shall be sufficient to allege that the party accused did buy, sell, receive, pay, or put off, or did offer to buy, sell, receive, pay, or put off, the false or counterfeit coin at or for a lower rate or value than the same imports or was apparently intended to import, without alleging at or for what rate, price, or value the same was bought, sold, received, paid, or put off, or offered to be bought, sold, received, paid, or put off.

7. *Importing counterfeit coin from beyond seas.*] Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall import or receive into the United Kingdom from beyond the seas any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

8. *Exporting counterfeit coin.*] Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall export, or put on board any ship, vessel, or boat for the purpose of being exported from the United Kingdom, any false or counterfeit coin, resembling or apparently intended to resemble or pass for any of the Queen's current coin, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of a misdemeanor, and in Scotland of a crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

9. *Uttering counterfeit gold or silver coin.*] Whosoever shall tender, utter, or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, knowing the same to be false or counterfeit, shall, in England and Ireland be, guilty of a misdemeanor, and in Scotland of a crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding one year, with or without hard labour, and with or without solitary confinement.

10. *Uttering, accompanied by possession of other counterfeit coin, or followed by a second uttering.*] Whosoever shall tender, utter, or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, knowing the same to be false or counterfeit, and shall, at the time of such tendering, uttering, or putting off, have in his custody or possession, besides the false or counterfeit coin so tendered, uttered, or put off, any other piece of false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, or shall, either on the day of such tendering, uttering, or putting off, or within the space of ten days then next ensuing, tender, utter, or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of a misdemeanor, and in Scotland of a crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

11. *Having three or more pieces of counterfeit gold or silver coin in possession, &c., with intent, &c.*] Whosoever shall have in his custody or possession three or more pieces of false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, knowing the same to be false or counterfeit, and with intent to

utter or put off the same or any of them, shall, in England and Ireland, be guilty of a misdemeanor, and in Scotland of a crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

12. *Every second offence of uttering, &c., after a previous conviction shall be felony.*] Whosoever, having been convicted, either before or after the passing of this Act, of any such misdemeanor or crime and offence as in any of the last three preceding sections mentioned, or of any felony or high crime and offence against this or any former Act relating to the coin, shall afterwards commit any of the misdemeanors or crimes and offences in any of the said sections mentioned, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

13. *Uttering foreign coin, medals, &c., as current coin, with intent to defraud.*] Whosoever shall, with intent to defraud, tender, utter, or put off as or for any of the Queen's current gold or silver coin, or any coin not being such current gold or silver coin, or any medal or piece of metal or mixed metals, resembling in size, figure, and colour the current coin as or for which the same shall be so tendered, uttered, or put off, such coin, medal, or piece of metal or mixed metals so tendered, uttered, or put off being of less value than the current coin, as or for which the same shall be so tendered, uttered, or put off, shall, in England and Ireland, be guilty of a misdemeanor, and in Scotland of a crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding one year, with or without hard labour, and with or without solitary confinement.

14. *Counterfeiting, &c., copper coin.*] Whosoever shall falsely make or counterfeit any coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin; and whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall knowingly make or mend, or begin or proceed to make or mend, or buy or sell, or have in his custody or possession, any instrument, tool, or engine adapted and intended for the counterfeiting any of the Queen's current copper coin; or shall buy, sell, receive, pay, or put off, or offer to buy, sell, receive, pay, or put off, any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin, at or for a lower rate or value than the same imports or was apparently intended to import, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

15. *Uttering base copper coin.*] Whosoever shall tender, utter, or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin, knowing the same to be false or counterfeit, or shall have in his custody or possession three or more pieces of false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin, knowing the same to be false or counterfeit, and with intent to utter or put off the same or any of them, shall, in England and Ireland, be guilty of a misdemeanor, and in Scotland of a crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding one year, with or without hard labour, and with or without solitary confinement.

16. *Defacing the coin by stamping words thereon.*] Whosoever shall deface any of the Queen's current gold, silver, or copper coin, by stamping thereon any names or words, whether such coin shall or shall not be thereby diminished or lightened, shall, in England and Ireland, be guilty of a misdemeanor, and in Scotland of a crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding one year, with or without hard labour.

17. *Tender of coin so defaced not to be a legal tender, and penalty for uttering the same.*] No tender of payment in money

made in any gold, silver, or copper coin so defaced by stamping as in the last preceding section mentioned shall be allowed to be a legal tender; and whosoever shall tender, utter, or put off any coin so defaced shall, on conviction thereof before two justices, be liable to forfeit and pay any sum not exceeding forty shillings: provided that it shall not be lawful for any person to proceed for any such last-mentioned penalty without the consent, in England or Ireland, of her Majesty's Attorney-General for England or Ireland respectively, or in Scotland of the Lord Advocate.

18. *Counterfeiting foreign gold and silver coin.*] Whosoever shall make or counterfeit any kind of coin not being the Queen's current gold or silver coin, but resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state, or country, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

19. *Bringing such counterfeit coin into the United Kingdom.*] Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall bring or receive into the United Kingdom any such false or counterfeit coin resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state, or country, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

20. *Penalty for uttering such counterfeit coin.*] Whosoever shall tender, utter, or put off any such false or counterfeit coin resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state, or country, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of a misdemeanor, and in Scotland of a crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding six months, with or without hard labour.

21. *Second offence of uttering counterfeit foreign coin. Third offence.*] Whosoever, having been so convicted as in the last preceding section mentioned, shall afterwards commit the like offence of tendering, uttering, or putting off any such false or counterfeit coin as aforesaid, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of a misdemeanor, and in Scotland of a crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and whosoever, having been so convicted of a second offence, shall afterwards commit the like offence of tendering, uttering, or putting off any such false or counterfeit coin as aforesaid, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

22. *Persons counterfeiting foreign coin other than gold and silver coin.*] Whosoever shall falsely make or counterfeit any coin not being the Queen's current coin, but resembling or apparently intended to resemble or pass for any copper coin, or any other coin made of any metal or mixed metals of less value than the silver coin of any foreign prince, state, or country, shall, in England and Ireland, be guilty of a misdemeanor, and in Scotland of a crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, for the first offence to be imprisoned for any term not exceeding one year, and for the second offence to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

23. *Penalty on persons having more than five pieces of such counterfeit foreign coin in their possession.*] Whosoever, without lawful authority or excuse (the proof whereof shall lie on

the party accused), shall have in his custody or possession any greater number of pieces than five pieces of false or counterfeit coin resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state, or country, or any such copper or other coin as in the last preceding section mentioned, shall, on conviction thereof before any justice of the peace, forfeit and lose all such false and counterfeit coin, which shall be cut in pieces and destroyed by order of such justice, and shall for every such offence forfeit and pay any sum of money not exceeding forty shillings nor less than ten shillings for every such piece of false and counterfeit coin which shall be found in the custody or possession of such person, one moiety to the informer, and the other moiety to the poor of the parish where such offence shall be committed; and in case any such penalty shall not be forthwith paid it shall be lawful for any such justice to commit the person who shall have been adjudged to pay the same to the common gaol or house of correction, there to be kept to hard labour for the space of three months, or until such penalty shall be paid.

24. Making, mending, or having possession of any coining tools, felony.] Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall knowingly make or mend, or begin or proceed to make or mend, or buy or sell, or have in his custody or possession, any puncheon, counter puncheon, matrix, stamp, die, pattern, or mould, in or upon which there shall be made or impressed, or which will make or impress, or which shall be adapted and intended to make or impress, the figure, stamp, or apparent resemblance of both or either of the sides of any of the Queen's current gold or silver coin, or of any part or parts of both or either of such sides; or shall make or mend, or begin or proceed to make or mend, or shall buy or sell, or have in his custody or possession, any edger, edging or other tool, collar, instrument, or engine adapted and intended for the marking of coin round the edges with letters, grainings, or other marks or figures apparently resembling those on the edges of any such coin as in this section aforesaid, knowing the same to be so adapted and intended as aforesaid; or shall make or mend, or begin or proceed to make or mend, or shall buy or sell, or have in his custody or possession, any press for coining, or any cutting engine, for cutting by force of a screw or of any other contrivance, round blanks out of gold, silver, or other metal or mixture of metals, or any other machine, knowing such press to be a press for coining, or knowing such engine or machine to have been used or to be intended to be used for or in order to the false making or counterfeiting of any such coin as in this section aforesaid, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

25. Conveying tools or monies out of the Mint without authority, felony.] Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall knowingly convey out of any of her Majesty's mints any puncheon, counter puncheon, matrix, stamp, die, pattern, mould, edger, edging or other tool, collar, instrument, press, or engine used or employed in or about the coining of coin, or any useful part of any of the several matters aforesaid, or any coin, bullion, metal, or mixture of metals, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

26. Coin suspected to be diminished or counterfeit may be cut by any person to whom it is tendered. Who shall bear the loss.] Where any coin shall be tendered as the Queen's current gold or silver coin to any person who shall suspect the same to be diminished otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for such person to cut, break, bend, or deface such coin, and if any coin so cut, broken, bent, or defaced shall appear to be diminished otherwise than by reasonable wearing, or to be counterfeit, the person tendering the same shall bear the loss thereof; but if the same shall be of due weight, and shall appear to be lawful coin, the person cutting, breaking, bending, or defacing the

same is hereby required to receive the same at the rate it was coined for; and if any dispute shall arise whether the coin so cut, broken, bent, or defaced be diminished in manner aforesaid, or counterfeit, it shall be heard and finally determined in a summary manner by any justice of the peace, who is hereby empowered to examine upon oath as well the parties as any other person, in order to the decision of such dispute; and the tellers at the receipt of her Majesty's exchequer, and their deputies and clerks, and the receivers general of every branch of her Majesty's revenue, are hereby required to cut, break, or deface, or cause to be cut, broken, or defaced, every piece of counterfeit or unlawfully diminished gold or silver coin which shall be tendered to them in payment of any part of her Majesty's revenue.

27. Provision for discovery and seizure of counterfeit coin and coining tools, for securing them as evidence, and for ultimately disposing of them.] If any person shall find or discover in any place whatever, or in the custody or possession of any person having the same without lawful authority or excuse, any false or counterfeit coin, resembling or apparently intended to resemble or pass for any of the Queen's current gold, silver, or copper coin, or any coin of any foreign prince, state, or country, or any instrument, tool, or engine whatsoever, adapted and intended for the counterfeiting of any such coin, or any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution, or otherwise, which shall have been produced or obtained by diminishing or lightening any of the Queen's current gold or silver coin, it shall be lawful for the person so finding or discovering and he is hereby required to seize the same, and to carry the same forthwith before some justice of the peace; and where it shall be proved, on the oath of a credible witness before any justice of the peace, that there is reasonable cause to suspect that any person has been concerned in counterfeiting the Queen's current gold, silver, or copper coin, or any such foreign or other coin as in this Act before mentioned, or has in his custody or possession any such false or counterfeit coin, or any instrument, tool, or engine whatsoever adapted and intended for the making or counterfeiting of any such coin, or any other machine used or intended to be used for making or counterfeiting any such coin, or any such filings, clippings, or bullion, or any such gold or silver in dust, solution, or otherwise as aforesaid, it shall be lawful for any justice of the peace, by warrant under his hand, to cause any place whatsoever belonging to or in the occupation or under the control of such suspected person to be searched, either in the day or in the night, and if any such false or counterfeit coin, or any such instrument, tool, or engine, or any such machine, or any such filings, clippings, or bullion, or any such gold or silver in dust, solution, or otherwise as aforesaid, shall be found in any place so searched, to cause the same to be seized and carried forthwith before some justice of the peace; and wheresoever any such false or counterfeit coin, or any such instrument, tool, or engine, or any such machine, or any such filings, clippings, or bullion, or any such gold or silver in dust, solution, or otherwise as aforesaid, shall be found in any place whatsoever being seized and carried before a justice of the peace, he shall, if necessary, cause the same to be secured, for the purpose of being produced in evidence against any person who may be prosecuted for any offence against this Act; and all such false and counterfeit coin, and all instruments, tools, and engines adapted and intended for the making or counterfeiting of coin, and all such machines, and all such filings, clippings, and bullion, and all such gold and silver in dust, solution, or otherwise as aforesaid, after they shall have been produced in evidence, or when they shall have been seized, and shall not be required to be produced in evidence, shall forthwith be delivered up to the officers of her Majesty's Mint, or to the solicitors of her Majesty's Treasury, or to any person authorized by them to receive the same.

28. Venue.] Where any person shall tender, utter, or put off any false or counterfeit coin in one county or jurisdiction, and shall also tender, utter, or put off any other false or counterfeit coin in any other county or jurisdiction, either on the day of such first-mentioned tendering, uttering, or putting off, or within the space of ten days next ensuing, or where two or more persons, acting in concert in different counties or jurisdictions, shall commit any offence against this Act, every such offender may be dealt with, indicted, tried, and punished, and the offence laid and charged to have been committed, in any one of the said counties or jurisdictions, in the same manner in all respects as if the offence had been actually and wholly committed within such one county or jurisdiction.

29. *What shall be sufficient proof of coin being counterfeit.*] Where, upon the trial of any person charged with any offence against this Act, it shall be necessary to prove that any coin produced in evidence against such person is false or counterfeit, it shall not be necessary to prove the same to be false and counterfeit by the evidence of any moneyer, or other officer of her Majesty's Mint, but it shall be sufficient to prove the same to be false or counterfeit by the evidence of any other credible witness.

30. *Where the counterfeiting coin shall be complete.*] Every offence of falsely making or counterfeiting any coin, or of buying, selling, receiving, paying, tendering, uttering, or putting off, or of offering to buy, sell, receive, pay, utter, or put off, any false or counterfeit coin, against the provisions of this Act, shall be deemed to be complete, although the coin so made or counterfeited, or bought, sold, received, paid, tendered, uttered, or put off, or offered to be bought, sold, received, paid, uttered, or put off, shall not be in a fit state to be uttered, or the counterfeiting thereof shall not be finished or perfected.

31. *Any person may apprehend any person committing any indictable offence against this Act.*] It shall be lawful for any person whatsoever to apprehend any person who shall be found committing any indictable offence, or any high crime and offence, or crime and offence, against this Act, and to convey or deliver him to some peace officer, constable, or officer of police, in order to his being conveyed as soon as reasonably may be before a justice of the peace or some other proper officer, to be dealt with according to law.

32. *No certiorari, &c.*] No conviction for any offence punishable on summary conviction under this Act shall be quashed for want of form, or be removed by certiorari into any of her Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a valid conviction to sustain the same.

33. *Venue in proceedings against persons acting under this Act. Notice of action. Tender of amends, &c.*] All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall, in England or Ireland, be laid and tried in the county where the fact was committed, and shall, in England, Ireland, or Scotland, be commenced within six months after the fact committed, and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant or defender one month at least before the commencement of the action; and in any such action brought in England or Ireland the defendant may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and in Scotland the defendant may insist on all relevant defences; and no plaintiff or pursuer shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant or defender; and if, in England or Ireland, a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demur or otherwise, judgment shall be given against the plaintiff, or if, in Scotland, the verdict shall be for the defendant, or if the pursuer shall abandon the action, or the Court shall dismiss it as irrelevant or improperly laid, in every such case the defendant or defender shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant or defender has by law in other cases; and though a verdict shall be given for the plaintiff or pursuer in any such action, such plaintiff or pursuer shall not have costs against the defendant or defender, unless the judge before whom the trial shall be shall certify his approbation of the action.

34. *Trial of offences in Scotland.*] All high crimes and offences, and crimes and offences, against this Act, which may be committed in Scotland, shall be proceeded against and tried according to the rules and procedure of the criminal law of Scotland; and all proceedings by this Act made competent before any justice or justices, and all and every the powers and authorities by this Act given to or conferred upon any such justice or justices, shall, in Scotland, be competent before and may be exercised by any sheriff, magistrate, or justice of the peace.

35. *Punishment of principal in the second degree, and accessories.*] In the case of every felony punishable under the Act, every principal in the second degree, and every accessory

before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

36. *Offences committed within the jurisdiction of the Admiralty.*] All indictable offences mentioned in this Act which shall be committed within the jurisdiction of the Admiralty of England or Ireland shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon the land in England or Ireland, and may be dealt with, inquired of, tried, and determined in any county or place in England or Ireland in which the offender shall be apprehended or be in custody, in the same manner in all respects as if the same had been actually committed in that county or place, and in any indictment for any such offence, or for being accessory to any such offence, the venue in the margin shall be the same as if such offence had been committed in such county or place, and the offence itself shall be averred to have been committed "on the high seas;" and where any of the crimes and offences, or high crimes and offences, mentioned in this Act, shall be committed at sea, and the vessel in which the same shall be committed shall be registered in Scotland, or touch at any part thereof, the courts of criminal law of Scotland may inquire, try, and determine the same in the same manner as if such crime and offence, or high crime and offence, had been committed in Scotland; provided that nothing herein contained shall alter or affect any of the laws relating to the Government of her Majesty's land or naval forces.

37. *What shall be sufficient evidence of conviction for a previous offence. When the previous conviction is to be proved on the trial.*] Where any person shall have been convicted of any offence against this Act, or any former Act relating to the coin, and shall afterwards be indicted for any offence against this Act committed subsequent to such conviction, it shall be sufficient in any such indictment, after charging such subsequent offence, to state the substance and effect only (omitting the formal part) of the indictment and conviction for the previous offence; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous offence, purporting to be signed by the clerk of the Court or other officer having or purporting to have the custody of the records of the Court where the offender was first convicted, or by the deputy of such clerk or officer, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the previous conviction; without proof of the signature or official character or authority of the person appearing to have signed the same, or of his custody or right to the custody of the records of the court, and for every such certificate a fee of six shillings and eightpence, and no more, shall be demanded and taken; and the proceedings upon any indictment for committing any offence after a previous conviction or convictions shall be as follows: (that is to say,) the offender shall, in the first instance, be arraigned upon so much only of the indictment as charges the subsequent offence, and if he plead not guilty, or if the Court order a plea of not guilty to be entered on his behalf, the jury shall be charged, in the first instance, to inquire concerning such subsequent offence only; and if they find him guilty, or if on arraignment he plead guilty, he shall then, and not before, be asked whether he had been previously convicted as alleged in the indictment, and if he answer that he had been so previously convicted the Court may proceed to sentence him accordingly, but if he deny that he had been so previously convicted, or stand mute of malice, or will not answer directly to such question, the jury shall then be charged to inquire concerning such previous conviction or convictions, and in such case it shall not be necessary to swear the jury again, but the oath already taken by them shall for all purposes be deemed to extend to such last-mentioned inquiry: provided that if upon the trial of any person for any such subsequent offence such person shall give evidence of his good character, it shall be lawful for the prosecutor, in answer thereto, to give evidence of the conviction of such person for the previous offence or offences, before such verdict of guilty shall be returned, and the jury shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence.

38. *Fine and sureties for keeping the peace; in what cases.*] Whenever any person shall be convicted of any indictable misdemeanor punishable under this Act the Court may, if it shall

think fit, in addition to or in lieu of any of the punishments by this Act authorised, fine the offender, and require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this Act, the Court may, if it shall think fit, require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorised; provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

39. *Hard labour.*] Whenever imprisonment, with or without hard labour, may be awarded for any indictable offence under this Act, the Court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction.

40. *Solitary confinement.*] Whenever solitary confinement may be awarded for any offence under this Act, the Court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year.

41. *Summary proceedings in England may be under the 11 & 12 Vict. c. 43, and in Ireland under the 14 & 15 Vict. c. 93. Except in London and the Metropolitan Police district.*] Every offence hereby made punishable on summary conviction may be prosecuted in England in the manner directed by the Act of the session holden in the eleventh and twelfth years of Queen Victoria, chapter forty-three, and may be prosecuted in Ireland before two or more justices of the peace, or one metropolitan or stipendiary magistrate, in the manner directed by the Act of the session holden in the fourteenth and fifteenth years of Queen Victoria, chapter ninety-three, or in such other manner as may be directed by any Act that may be passed for like purposes, and all provisions contained in the said Acts shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act: provided that nothing in this Act contained shall in any way alter or affect any enactment relating to procedure in the case of any offence punishable on summary conviction within the city of London or the Metropolitan Police district, or the recovery or application of any penalty or forfeiture for any such offence.

42. *Costs of prosecutions.*] In all prosecutions for any offence against this Act in England, which shall be conducted under the direction of the solicitors of her Majesty's Treasury, the Court before which such offence shall be prosecuted or tried shall allow the expenses of the prosecution in all respects as in cases of felony; and in all prosecutions for any such offence in England which shall not be so conducted it shall be lawful for such Court, in case a conviction shall take place, but not otherwise, to allow the expenses of the prosecution in like manner; and every order for the payment of such costs shall be made out, and the sum of money mentioned therein paid and repaid, upon the same terms and in the same manner in all respects as in cases of felony.

43. *Commencement of Act.*] This Act shall commence and take effect on the first day of November, One thousand eight hundred and sixty-one.

CAP. C.

An Act to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person.

[6th August, 1861.]

WHEREAS it is expedient to consolidate and amend the statute law of England and Ireland relating to offences against the person: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Homicide.

1. *Murder.*] Whosoever shall be convicted of murder shall suffer death as a felon.

2. *Sentence for Murder.*] Upon every conviction for murder, the Court shall pronounce sentence of death, and the same may be carried into execution, and all other proceedings upon such sentence and in respect thereof, may be had and taken in the same manner in all respects as sentence of death might have been pronounced and carried into execution, and all other pro-

ceedings thereupon and in respect thereof might have been had and taken, before the passing of this Act, upon a conviction for any other felony for which the prisoner might have been sentenced to suffer death as a felon.

3. *Body to be buried in prison.*] The body of every person executed for murder shall be buried within the precincts of the prison in which he shall have been last confined after conviction, and the sentence of the Court shall so direct.

4. *Conspiring or soliciting to commit murder.*] All persons who shall conspire, confederate, and agree to murder any person, whether he be a subject of her Majesty or not, and whether he be within the Queen's dominions or not, and whosoever shall solicit, encourage, persuade, or endeavour to persuade, or shall propose to any person, to murder any other person, whether he be a subject of her Majesty or not, and whether he be within the Queen's dominions or not, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not more than ten and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour.

5. *Manslaughter.*] Whosoever shall be convicted of manslaughter shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, or to pay such fine as the Court shall award, in addition to or without any such other discretionary punishment as aforesaid.

6. *Indictment for murder or manslaughter.*] In any indictment for murder or manslaughter, or for being an accessory to any murder or manslaughter, it shall not be necessary to set forth the manner in which or the means by which the death of the deceased was caused, but it shall be sufficient in any indictment for murder to charge that the defendant did feloniously, wilfully, and of his malice aforethought, kill and murder the deceased; and it shall be sufficient in any indictment for manslaughter to charge that the defendant did feloniously kill and slay the deceased; and it shall be sufficient in any indictment against any accessory to any murder or manslaughter to charge the principal with the murder or manslaughter (as the case may be) in the manner hereinbefore specified, and then to charge the defendant as an accessory in the manner heretofore used and accustomed.

7. *Excusable homicide.*] No punishment or forfeiture shall be incurred by any person who shall kill another by misfortune or in his own defence, or in any other manner without felony.

8. *Petit treason.*] Every offence which before the commencement of the act of the ninth year of King George the Fourth, chapter thirty-one, would have amounted to petit treason, shall be deemed to be murder only, and no greater offence; and all persons guilty in respect thereof, whether as principals or as accessories, shall be dealt with, indicted, tried, and punished as principals and accessories in murder.

9. *Murder or manslaughter abroad.*] Where any murder or manslaughter shall be committed on land out of the United Kingdom, whether within the Queen's dominions or without, and whether the person killed were a subject of her Majesty or not, every offence committed by any subject of her Majesty, in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory to murder or manslaughter, may be dealt with, inquired of, tried, determined, and punished in any county or place in England or Ireland in which such person shall be apprehended or be in custody, in the same manner in all respects as if such offence had been actually committed in that county or place; provided that nothing herein contained shall prevent any person from being tried in any place out of England or Ireland for any murder or manslaughter committed out of England or Ireland, in the same manner as such person might have been tried before the passing of this Act.

10. *Provision for the trial of murder and manslaughter where the death or cause of death only happens in England or Ireland.*] Where any person, being feloniously stricken, poisoned, or otherwise hurt upon the sea or at any place out of England or Ireland, shall die of such stroke, poisoning, or hurt in England or Ireland, or, being feloniously stricken, poisoned, or otherwise hurt at any place in England or Ireland, shall die of such stroke, poisoning, or hurt upon the sea, or at any place out of England or Ireland, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of

manslaughter, or of being accessory to murder or manslaughter, may be dealt with, inquired of, tried, determined, and punished in the county or place in England or Ireland in which such death, stroke, poisoning, or hurt shall happen, in the same manner in all respects as if such offence had been wholly committed in that county or place.

Attempts to murder.

11. *Administering poison or wounding with intent to murder.*] Whosoever shall administer to or cause to be administered to or to be taken by any person any poison or other destructive thing, or shall by any means whatsoever wound or cause any grievous bodily harm to any person, with intent in any of the cases aforesaid to commit murder, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

12. *Destroying or damaging a building with gunpowder, with intent to murder.*] Whosoever, by the explosion of gunpowder or other explosive substance, shall destroy or damage any building with intent to commit murder, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

13. *Setting fire to or casting away a ship with intent to murder.*] Whosoever shall set fire to any ship or vessel or any part thereof, or any part of the tackle, apparel, or furniture thereof, or any goods or chattels being therein, or shall cast away or destroy any ship or vessel, with intent in any of such cases to commit murder, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

14. *Attempting to administer poison, or shooting or attempting to shoot, or attempting to drown, &c., with intent to murder.*] Whosoever shall attempt to administer to or shall attempt to cause to be administered to or to be taken by any person any poison or other destructive thing, or shall shoot at any person, or shall, by drawing a trigger or in any other manner, attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person, with intent, in any of the cases aforesaid, to commit murder, shall, whether any bodily injury be effected or not, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

15. *By any other means attempting to commit murder.*] Whosoever shall, by any means other than those specified in any of the preceding sections of this Act, attempt to commit murder, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Letters threatening to murder.

16. *Sending letters threatening to murder.*] Whosoever shall maliciously send, deliver, or utter, or directly or indirectly cause to be received, or knowing the contents thereof, any letter or writing threatening to kill or murder any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Acts causing or tending to cause danger to life or bodily harm.

17. *Impeding a person endeavouring to save himself from shipwreck.*] Whosoever shall unlawfully and maliciously prevent or impede any person, being on board of or having quitted any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, in his endeavour to save his life, or shall unlawfully and maliciously prevent or impede any person

in his endeavour to save the life of any such person as in this section first aforesaid, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

18. *Shooting or attempting to shoot, or wounding with intent to do grievous bodily harm.*] Whosoever shall unlawfully and maliciously by any means whatsoever wound or cause any grievous bodily harm to any person, or shoot at any person, or, by drawing a trigger or in any other manner, attempt to discharge any kind of loaded arms at any person, with intent, in any of the cases aforesaid, to maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

19. *What shall constitute loaded arms.*] Any gun, pistol, or other arms which shall be loaded in the barrel with gunpowder or any other explosive substance, and ball, shot, slug, or other destructive material, shall be deemed to be loaded arms within the meaning of this Act, although the attempt to discharge the same may fail from want of proper priming or from any other cause.

20. *Inflicting bodily injury with or without weapon.*] Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person, either with or without any weapon or instrument, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for a term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

21. *Attempting to choke, &c., in order to commit any indictable offence.*] Whosoever shall, by any means whatsoever, attempt to choke, suffocate, or strangle any other person, or shall, by any means calculated to choke, suffocate, or strangle, attempt to render any other person insensible, unconscious, or incapable of resistance, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any indictable offence, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour.

22. *Using chloroform, &c., to commit any indictable offence.*] Whosoever shall unlawfully apply or administer to or cause to be taken by, or attempt to apply or administer to or attempt to cause to be administered to, or taken by, any person, any chloroform, laudanum, or other stupefying or overpowering drug, matter, or thing, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any indictable offence, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any other term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour.

23. *Maliciously administering poison, &c. so as to endanger life or inflict grievous bodily harm.*] Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other person any poison or other destructive or noxious thing, so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour.

24. *Maliciously administering poison, &c. with intent to injure, aggrieve, or annoy any other person.*] Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other person any poison or other destruc-

tive or noxious thing, with intent to injure, aggrieve, or annoy such person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

25. *If the jury be not satisfied that any person charged is guilty of felony, but guilty of misdemeanor, they may find him guilty accordingly.* If, upon the trial of any person for any felony in the last but one preceding section mentioned, the jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of any misdemeanor in the last preceding section mentioned, then and in every such case the jury may acquit the accused of such felony, and find him guilty of such misdemeanor, and thereupon he shall be liable to be punished in the same manner as if convicted upon an indictment for such misdemeanor.

26. *Not providing apprentices or servants with food, &c., whereby life endangered.* Whosoever, being legally liable, either as a master or mistress, to provide for any apprentice or servant necessary food, clothing, or lodging, shall wilfully and without lawful excuse refuse or neglect to provide the same, or shall unlawfully and maliciously do or cause to be done any bodily harm, to any such apprentice or servant, so that the life of such apprentice or servant shall be endangered, or the health of such apprentice or servant shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

27. *Exposing children whereby life endangered.* Whosoever shall unlawfully abandon or expose any child, being under the age of two years, whereby the life of such child shall be endangered, or the health of such child shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

28. *Causing bodily injury by gunpowder.* Whosoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burn, maim, disfigure, disable, or do any grievous bodily harm to any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

29. *Causing gunpowder to explode, or sending to any person an explosive substance, or throwing corrosive fluid on a person, with intent to do grievous bodily harm.* Whosoever shall unlawfully and maliciously cause any gunpowder or other explosive substance to explode, or send or deliver to or cause to be taken or received by any person any explosive substance or any other dangerous or noxious thing, or put or lay at any place, or cast or throw at or upon or otherwise apply to any person, any corrosive fluid or any destructive or explosive substance, with intent in any of the cases aforesaid to burn, maim, disfigure, or disable any person, or to do some grievous bodily harm to any person, shall, whether any bodily injury be effected or not, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

30. *Placing gunpowder near a building, with intent to do bodily injury to any person.* Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any building, ship, or vessel any gunpowder or other explosive substance, with intent to do any bodily injury to any person, shall, whether or not any explosion take place, and whether or not any bodily injury be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard

labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

31. *Setting spring guns, &c., with intent to do grievous bodily harm.* Whosoever shall set or place, or cause to be set or placed, any spring gun, man trap, or other engine calculated to destroy human life or inflict grievous bodily harm, with the intent that the same or whereby the same may destroy or inflict grievous bodily harm upon a trespasser or other person coming in contact therewith, shall be guilty of misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever shall knowingly and wilfully permit any such spring gun, man trap, or other engine which may have been set or placed in any place then being in or afterwards coming into his possession or occupation by some other person to continue so set or placed, shall be deemed to have set and placed such gun, trap, or engine with such intent as aforesaid: provided that nothing in this section contained shall extend to make it illegal to set or place any gin or trap such as may have been or may be usually set or placed with the intent of destroying vermin: provided also, that nothing in this section shall be deemed to make it unlawful to set or place or cause to be set or placed, or to be continued set or placed, from sunset to sunrise, any spring gun, man trap, or other engine which shall be set or placed, or caused or continued to be set or placed, in a dwelling-house, for the protection thereof.

32. *Placing wood, &c., on a railway, with intent to endanger passengers.* Whosoever shall unlawfully and maliciously put or throw upon or across any railway any wood, stone, or other matter or thing, or shall unlawfully and maliciously take up, remove, or displace any rail, sleeper, or other matter or thing belonging to any railway, or shall unlawfully and maliciously turn, move, or divert any points or other machinery belonging to any railway, or shall unlawfully and maliciously make or show, hide or remove, any signal or light upon or near to any railway, or shall unlawfully and maliciously do or cause to be done any other matter or thing, with intent, in any of the cases aforesaid, to endanger the safety of any person travelling or being upon such railway, shall be guilty of felony and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

33. *Casting stone, &c., upon a railway carriage, with intent to endanger the safety of any person therein.* Whosoever shall unlawfully and maliciously throw, or cause to fall or strike, at, against, into, or upon any engine, tender, carriage, or truck used upon any railway, any wood, stone, or other matter or thing, with intent to injure or endanger the safety of any person being in or upon such engine, tender, carriage, or truck, or in or upon any other engine, tender, carriage, or truck of any train of which such first mentioned engine, tender, carriage, or truck shall form part, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour.

34. *Doing or omitting anything to endanger passengers by railway.* Whosoever, by any unlawful act, or by any wilful omission or neglect, shall endanger or cause to be endangered the safety of any person conveyed or being in or upon a railway, or shall aid or assist therein, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

35. *Drivers of carriages injuring persons by furious driving.* Whosoever, having the charge of any carriage or vehicle, shall, by wanton or furious driving or racing, or other wilful misconduct, or by wilful neglect, do or cause to be done any bodily harm to any person whatsoever, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Assaults.

36. *Obstructing or assaulting a clergyman or other minister in the discharge of his duties.* Whosoever shall, by threats or force, obstruct or prevent, or endeavour to obstruct or prevent, any clergyman or other minister in or from celebrating divine

service or otherwise officiating in any church, chapel, meeting house, or other place of divine worship, or in or from the performance of his duty in the lawful burial of the dead in any churchyard or other burial place, or shall strike or offer any violence to, or shall, upon any civil process, or under the pretence of executing any civil process, arrest any clergyman or other minister who is engaged in, or to the knowledge of the offender is about to engage in, any of the rites or duties in this section aforesaid, or who to the knowledge of the offender shall be going to perform the same or returning from the performance thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

37. *Assaulting a magistrate, &c., on account of his preserving wreck.*] Whosoever shall assault and strike or wound any magistrate, officer, or other person whatsoever lawfully authorised, in or on account of the exercise of his duty in or concerning the preservation of any vessel in distress, or of any vessel, goods, or effects wrecked, stranded, or cast on shore, or lying under water, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour.

38. *Assault with intent to commit felony, or on peace officers, &c.]* Whosoever shall assault any person with intent to commit felony, or shall assault, resist, or wilfully obstruct any peace officer in the due execution of his duty, or any person acting in aid of such officer, or shall assault any person with intent to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

39. *Assaults with intent to obstruct the sale of grain or its free passage.]* Whosoever shall beat, or use any violence or threat of violence, to any person with intent to deter or hinder him from buying or selling or otherwise disposing of, or to compel him to buy, sell, or otherwise dispose of, any wheat or other grain, flour, meal, malt, or potatoes, in any market or other place, or shall beat or use any such violence or threat to any person having the care or charge of any wheat or other grain, flour, meal, malt, or potatoes, whilst on the way to or from any city, market town, or other place, with intent to stop the conveyance of the same, shall, on conviction thereof before two justices of the peace, be liable to be imprisoned and kept to hard labour in the common gaol or house of correction for any term not exceeding three months: provided that no person who shall be punished for any such offence by virtue of this section shall be punished for the same offence by virtue of any other law whatsoever.

40. *Assaults on seamen, &c.]* Whosoever shall unlawfully and with force hinder or prevent any seaman, keelman, or caster from working at or exercising his lawful trade, business, or occupation, or shall beat or use any violence to any such person with intent to hinder or prevent him from working at or exercising the same, shall, on conviction thereof before two justices of the peace, be liable to be imprisoned and kept to hard labour in the common gaol or house of correction for any term not exceeding three months: provided that no person who shall be punished for any such offence by reason of this section shall be punished for the same offence by virtue of any other law whatsoever.

41. *Assaults arising from combination.]* Whosoever, in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or of any unlawful combination or conspiracy respecting any trade, business, or manufacture, or respecting any person concerned or employed therein, shall unlawfully assault any person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

42. *Persons committing any common assault or battery may be imprisoned or compelled by two magistrates to pay fine and costs not exceeding £5.]* Where any person shall unlawfully assault or beat any other person, two justices of the peace, upon complaint by or on behalf of the party aggrieved, may hear and determine such offence, and the offender shall, upon conviction thereof before them, at the discretion of the justices,

either be committed to the common gaol or house of correction, there to be imprisoned with or without hard labour for any term not exceeding two months, or else shall forfeit and pay such fine as shall appear to them to be meet, not exceeding, together with costs (if ordered), the sum of five pounds; and if such fine as shall be so awarded, together with the costs (if ordered), shall not be paid, either immediately after the conviction or within such period as the said justices shall at the time of the conviction appoint, they may commit the offender to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for any term not exceeding two months, unless such fine and costs be sooner paid.

43. *Persons convicted of aggravated assaults on females and boys under fourteen years of age may be imprisoned or fined.]* When any person shall be charged before two justices of the peace with an assault or battery upon any male child whose age shall not in the opinion of such justices exceed fourteen years, or upon any female, either upon the complaint of the party aggrieved or otherwise, the said justices, if the assault or battery is of such an aggravated nature that it cannot in their opinion be sufficiently punished under the provisions hereinbefore contained as to common assaults and batteries, may proceed to hear and determine the same in a summary way, and, if the same be proved, may convict the person accused; and every such offender shall be liable to be imprisoned in the common gaol or house of correction, with or without hard labour, for any period not exceeding six months, or to pay a fine not exceeding (together with costs) the sum of twenty pounds, and in default of payment to be imprisoned in the common gaol or house of correction for any period not exceeding six months, unless such fine and costs be sooner paid, and, if the justices shall so think fit, in any of the said cases, shall be bound to keep the peace and be of good behaviour for any period not exceeding six months from the expiration of such sentence.

44. *If the magistrates dismiss the complaint, they shall make out a certificate to that effect.]* If the justices, upon the hearing of any such case of assault or battery upon the merits, where the complaint was preferred by or on the behalf of the party aggrieved, under either of the last two preceding sections, shall deem the offence not to be proved, or shall find the assault or battery to have been justified, or so trifling as not to merit any punishment, and shall accordingly dismiss the complaint, they shall forthwith make out a certificate under their hands stating the fact of such dismissal, and shall deliver such certificate to the party against whom the complaint was preferred.

45. *Certificate or conviction shall be a bar to any other proceedings.]* If any person, against whom any such complaint is in either of the last three preceding sections mentioned shall have been preferred by or on the behalf of the party aggrieved, shall have obtained such certificate, or, having been convicted, shall have paid the whole amount adjudged to be paid, or shall have suffered the imprisonment or imprisonment with hard labour awarded, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same cause.

46. *These provisions not to apply to certain cases.]* Provided, that in case the justices shall find the assault or battery complained of to have been accompanied by any attempt to commit felony, or shall be of opinion that the same is, from any other circumstance, a fit subject for a prosecution by indictment, they shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as if they had no authority finally to hear and determine the same: provided also, that nothing herein contained shall authorise any justices to hear and determine any case of assault or battery in which any question shall arise as to the title to any lands, tenements, or hereditaments, or any interest therein or accruing therefrom, or as to any bankruptcy or insolvency, or any execution under the process of any court of justice.

47. *Assault occasioning bodily harm. Common assault.]* Whosoever shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever shall be convicted upon an indictment for a common assault shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding one year, with or without hard labour.

Rape, abduction, and defilement of women.

48. *Rape.]* Whosoever shall be convicted of the crime of

rape shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

49. *Procuring the defilement of girl under age.*] Whosoever shall, by false pretences, false representations, or other fraudulent means, procure any woman or girl under the age of twenty-one years to have illicit carnal connexion with any man, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

50. *Carnally knowing a girl under ten years of age.*] Whosoever shall unlawfully know and abuse any girl under the age of ten years shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour.

51. *Carnally knowing a girl between the ages of ten and twelve.*] Whosoever shall unlawfully and carnally know and abuse any girl being above the age of ten years and under the age of twelve years shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

52. *Attempt to commit the last two offences.*] Whosoever shall be convicted of any indecent assault upon any female, or of any attempt to have carnal knowledge of any girl under twelve years of age, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

53. *Abduction of a woman against her will, from motives of lucre. Fraudulent abduction of a girl under age against the will of her father, &c. Offender incapable of taking any of her property.*] Where any woman of any age shall have any interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any real or personal estate, or shall be a presumptive heiress or co-heiress, or presumptive next of kin, or one of the presumptive next of kin, to any one having such interest, whosoever shall, from motives of lucre, take away or detain such woman against her will, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person; and whosoever shall fraudulently allure, take away, or detain such woman, being under the age of twenty-one years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever shall be convicted of any offence against this section shall be incapable of taking any estate or interest, legal or equitable, in any real or personal property of such woman, or in which she shall have any such interest, or which shall come to her as such heiress, co-heiress, or next of kin as aforesaid; and if any such marriage as aforesaid shall have taken place, such property shall, upon such conviction, be settled in such manner as the Court of Chancery in England or Ireland shall upon any information at the suit of the Attorney-General appoint.

54. *Forcible abduction of any woman with intent to marry her.*] Whosoever shall, by force, take away or detain against her will any woman, of any age, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour.

55. *Abduction of a girl under sixteen years of age.*] Whosoever shall unlawfully take or cause to be taken any unmarried girl, being under the age of sixteen years, out of the possession and against the will of her father or mother or of

any other person having the lawful care or charge of her, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Child-stealing.

56. *Child-stealing.*] Whosoever shall unlawfully, either by force or fraud, lead or take away, or decoy or entice away or detain, any child under the age of fourteen years, with intent to deprive any parent, guardian, or other person having the lawful care or charge of such child of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong, and whosoever shall, with any such intent, receive or harbour any such child, knowing the same to have been, by force or fraud, taken, decoyed, enticed away, or detained as in this section before mentioned, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and if a male under the age of sixteen years, with or without whipping: provided that no person who shall have claimed any right to the possession of such child, or shall be the mother or shall have claimed to be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child, or taking such child out of the possession of any person having the lawful charge thereof.

Bigamy.

57. *Bigamy. Offence may be dealt with where offender shall be apprehended. Not to extend to second marriages, &c. herein stated.*] Whosoever, being married, shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in England or Ireland or elsewhere, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour; and any such offence may be dealt with, inquired of, tried, determined, and punished in any county or place in England or Ireland where the offender shall be apprehended or be in custody, in the same manner in all respects as if the offence had been actually committed in that county or place: provided that nothing in this section contained shall extend to any second marriage contracted elsewhere than in England and Ireland by any other than a subject of her Majesty, or to any person marrying a second time whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who, at the time of such second marriage, shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any Court of competent jurisdiction.

Attempts to procure abortion.

58. *Administering drugs or using instruments to procure abortion.*] Every woman, being with child who, with intent to procure her own miscarriage, shall unlawfully administer to herself any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, and whosoever, with intent to procure the miscarriage of any woman, whether she be or be not with child, shall unlawfully administer to her or cause to be taken by her any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

59. *Procuring drugs, &c., to cause abortion.*] Whosoever shall unlawfully supply or procure any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she be or be not with child, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Concealing the birth of a child.

60. *Concealing the birth of a child.*] If any woman shall be delivered of a child, every person who shall, by any secret disposition of the dead body of the said child, whether such child died before, at, or after its birth, endeavour to conceal the birth thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour: provided that if any person tried for the murder of any child shall be acquitted thereof, it shall be lawful for the jury by whose verdict such person shall be acquitted to find, in case it shall so appear in evidence, that the child had recently been born, and that such person did, by some secret disposition of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if such person had been convicted upon an indictment for the concealment of the birth,

Unnatural offences.

61. *Sodomy and bestiality.*] Whosoever shall be convicted of the abominable crime of buggery, committed either with mankind or with any animal, shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than ten years.

62. *Attempt to commit an infamous crime.*] Whosoever shall attempt to commit the said abominable crime, or shall be guilty of an assault with intent to commit the same, or of any indecent assault upon any male person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

63. *Carnal knowledge defined.*] Whenever, upon the trial for any offence punishable under this Act, it may be necessary to prove carnal knowledge, it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete upon proof of penetration only.

Making gunpowder to commit offences, and searching for the same.

64. *Making or having gunpowder, &c., with intent to commit any felony against this Act.*] Whosoever shall knowingly have in his possession, or make or manufacture, any gunpowder, explosive substance, or any dangerous or noxious thing or any machine, engine, instrument, or thing, with intent by means thereof to commit, or for the purpose of enabling any other person to commit, any of the felonies in this Act mentioned, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years, with or without whipping.

65. *Justices may issue warrants for searching houses, &c., in which explosive substances are suspected to be made for the purpose of committing felonies against this Act. 23 & 24 Vict. c. 139.*] Any justice of the peace of any county or place in which any such gunpowder, or other explosive, dangerous, or noxious substance or thing, or any such machine, engine, instrument, or thing, is suspected to be made, kept, or carried for the purpose of being used in committing any in the felonies in this Act mentioned, upon reasonable cause assigned upon oath by any person, may issue a warrant under his hand and seal for searching in the daytime any house, mill, magazine, storehouse, warehouse, shop, cellar, yard, wharf, or other place, or any carriage, waggon, cart, ship, boat, or vessel, in which the same is suspected to be made, kept, or carried for such purpose as hereinbefore mentioned; and every person acting in the execution of any such warrant shall have, for seizing, removing to proper places, and detaining all such gunpowder, explosive, dangerous, or noxious substances, machines, engines, instruments, or things, found upon such search, which he shall have good cause to suspect to be intended to be used in committing any such offence, and the barrels, packages, cases, and other receptacles in which the same shall be, the same powers and protections which are given to persons searching for unlawful quantities of gunpowder under the warrant of a justice by the Act passed in the session holden in the twenty-third and twenty-fourth years of the reign of her present Majesty, chapter one hundred and thirty-nine, intituled "An Act to

amend the Law concerning the making, keeping, and carriage of Gunpowder and Compositions of an explosive nature, and concerning the Manufacture, Sale, and Use of Fireworks."

Other matters.

66. *A person loitering at night, and suspected of any felony against this Act, may be apprehended.*] Any constable or peace officer may take into custody, without a warrant, any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall have good cause to suspect of having committed or being about to commit any felony in this Act mentioned, and shall take such person as soon as reasonably may be before a justice of the peace, to be dealt with according to law.

67. *Punishment of principals in the second degree, and accessories.*] In the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act (except murder) shall be liable to be imprisoned for any term not exceeding two years with or without hard labour; and every accessory after the fact to murder shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and whoever shall counsel, aid, or abet the commission of any indictable misdemeanor punishable under this Act shall be liable to be proceeded against, indicted, and punished as a principal offender.

68. *Offences committed within the jurisdiction of the Admiralty.*] All indictable offences mentioned in this Act which shall be committed within the jurisdiction of the Admiralty of England or Ireland shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon the land in England or Ireland, and may be dealt with, inquired of, tried, and determined in any county or place in England or Ireland in which the offender shall be apprehended or be in custody, in the same manner in all respects as if they had been actually committed in that county or place; and in any indictment for any such offence, or for being an accessory to such an offence, the venue in the margin shall be the same as if the offence had been committed in such county or place, and the offence shall be averred to have been committed "on the high seas;" provided that nothing herein contained shall alter or affect any of the laws relating to the government of her Majesty's land or naval forces.

69. *Hard labour in gaol or house of correction.*] Whenever imprisonment, with or without hard labour, may be awarded for any indictable offence under this Act, the Court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction

70. *Solitary confinement and whipping.*] Whenever solitary confinement may be awarded for any offence under this Act, the Court may direct the offender to be kept in solitary confinement for any portion or portions of any imprisonment, or of any imprisonment with hard labour, which the Court may award, not exceeding one month at any one time, and not exceeding three months in any one year; and whenever whipping may be awarded for any offence under this Act, the Court may sentence the offender to be once privately whipped, and the number of strokes and the instrument with which they shall be inflicted shall be specified by the Court in the sentence.

71. *Fine, and sureties for keeping the peace; in what cases.*] Whenever any person shall be convicted of any indictable misdemeanor punishable under this Act, the Court may, if it shall think fit, in addition to or in lieu of any punishment by this Act authorised, fine the offender, and require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this Act otherwise than with death the Court may, if it shall think fit, require the offender to enter into his own recognizances and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorised; provided that no person shall be imprisoned for not finding sureties under this clause for any period exceeding one year.

72. *No certiorari, &c.*] No summary conviction under this Act shall be quashed for want of form, or be removed by certiorari into any of her Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of

any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

73. *Guardians and overseers may be required to prosecute in certain cases of offences against this Act. Costs of prosecution. Clerk of guardians may be bound over to prosecute.]* Where any complaint shall be made of any offence against section twenty-six of this Act, or of any bodily injury inflicted upon any person under the age of sixteen years, for which the party committing it is liable to be indicted, and the circumstances of which offence amount, in point of law, to a felony, or an attempt to commit a felony, or an assault with intent to commit a felony, and two justices of the peace before whom such complaint is heard shall certify under their hands that it is necessary for the purposes of public justice that the prosecution should be conducted by the guardians of the union or place, or, where there are no guardians, by the overseers of the poor of the place, in which the offence shall be charged to have been committed, such guardians or overseers, as the case may be, upon personal service of such certificate or a duplicate thereof upon the clerk of such guardians or upon any one of such overseers, shall conduct the prosecution, and shall pay the costs reasonably and properly incurred by them therein (so far as the same shall not be allowed to them under any order of any Court) out of the common fund of the union, or out of the funds in the hands of the guardians or overseers, as the case may be; and, where there is a board of guardians, the clerk or some other officer of the union or place, and, where there is no board of guardians, one of the overseers of the poor, may, if the justices think it necessary for the purposes of public justice, be bound over to prosecute.

74. *On a conviction for assault the Court may order payment of the prosecutor's costs by the defendant.]* Where any person shall be convicted on any indictment of any assault, whether with or without battery and wounding, or either of them, such person may, if the Court think fit, in addition to any sentence which the Court may deem proper for the offence, be adjudged to pay to the prosecutor his actual and necessary costs and expenses of the prosecution, and such moderate allowance for the loss of time as the Court shall by affidavit or other inquiry and examination ascertain to be reasonable; and, unless the sum so awarded shall be sooner paid, the offender shall be imprisoned for any term the Court shall award, not exceeding three months, in addition to the term of imprisonment (if any) to which the offender may be sentenced for the offence.

75. *Such costs may be levied by distress.]* The Court may, by warrant under hand or seal, order such sum as shall be so awarded to be levied by distress and sale of the goods and chattels of the offender, and paid to the prosecutor, and that the surplus, if any, arising from such sale, shall be paid to the owner; and in case such sum shall be so levied the imprisonment awarded until payment of such sum shall thereupon cease.

76. *Summary proceedings in England may be under the 11 & 12 Vict. c. 43, and in Ireland under the 14 & 15 Vict. c. 93. Except in London and the metropolitan Police district.]* Every offence hereby made punishable on summary conviction may be prosecuted in England in the manner directed by the Act

of the session holden in the eleventh and twelfth years of Queen Victoria, chapter forty-three, and may be prosecuted in Ireland before two or more justices of the peace, or one metropolitan or stipendiary magistrate, in the manner directed by the Act of the session holden in the fourteenth and fifteenth years of Queen Victoria, chapter ninety-three, or in such other manner as may be directed by any Act that may be passed for like purposes; and all provisions contained in the said Acts shall be applicable to such prosecution in the same manner as if they were incorporated in this Act: provided that nothing in this Act contained shall in any manner alter or affect any enactment now in force relating to procedure, in the case of any offence punishable on summary conviction, within the city of London or the Metropolitan Police district, or the recovery or application of any penalty or forfeiture for any such offence.

77. *The costs of the prosecution of misdemeanors against this Act may be allowed.]* The Court before which any misdemeanor indictable under the provisions of this Act shall be prosecuted or tried may allow the costs of the prosecution in the same manner as in cases of felony; and every order for the payment of such costs shall be made out, and the sum of money mentioned therein paid and repaid, upon the same terms and in the same manner in all respects as in cases of felony.

78. *Act not to extend to Scotland.]* Nothing in this Act contained shall extend to Scotland, except as hereinbefore otherwise expressly provided.

79. *Commencement of Act.]* This Act shall commence and take effect on the first day of November, One thousand eight hundred and sixty-one.

CAP. CI.

An Act for promoting the Revision of the Statute Law by repealing divers Act and Parts of Acts which have ceased to be in force.

[6th August, 1861.]

WHEREAS with a view to the revision of the statute law, and particularly to the preparation of an edition of the statutes comprising only enactments which are in force, it is expedient that divers Acts and parts of Acts which have ceased to be in force otherwise than by express and specific repeal should be expressly and specifically repealed:

And whereas the Acts mentioned in the schedule to this Act have so ceased to be in force to the extent specified in the third column of the said schedule:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows:

1. *Acts or parts of Acts specified in third column of schedule repealed.]* The Acts mentioned in the schedule to this Act shall be repealed to the extent specified in the third column of the said schedule, except as to any operation already affected by, or act done under, any enactment herein comprised, or as to any right, title, obligation, or liability already acquired or accrued under any such enactment.

2. *Short title.]* This Act may be cited as the Statute Law Revision Act, 1861.

SCHEDULE.*

Act.	Subject.	Extent of Repeal.
1 Geo. 4, c. 9	Grant of Privileges of British Ships to Vessels built at Malta, &c.	The whole.
1 Geo. 4, c. 22	Loan from Commissioners for Reduction of National Debt.	The whole.
1 Geo. 4, c. 26	Coasting Trade (Ireland).	The whole.
1 Geo. 4, c. 35	Court of Exchequer (England) Suitors' Money, Appointment of Accountant-General, &c.	The whole.
1 Geo. 4, c. 37	Appointment of Special Constables by Magistrates.	The whole.

* This schedule commences with the 11th year of Geo. III., but it has not been considered advisable to encumber the present edition with the very numerous Acts of that reign which have been repealed by the present statute, as they refer (as the general rule) to matters at the present day altogether void of interest.

Act.	Subject.	Extent of Repeal.
1 Geo. 4, c. 40	Compensation for Tithes withheld (Ireland).	The whole.
1 Geo. 4, c. 72	Lotteries.	The whole.
1 Geo. 4, c. 75	Excise duty on Tobacco.	The whole.
1 Geo. 4, c. 78	Duties on Spirit Licences, &c. (Ireland).	The whole.
1 Geo. 4, c. 87	Recovery of Possession by Landlords.	The whole.
1 Geo. 4, c. 99	Maintenance of a Volunteer Infantry Corps by the East India Company.	The whole.
1 Geo. 4, c. 102	Indictments in respect of Property belonging to Partners.	The whole.
1 Geo. 4, c. 115.	Abolition of Capital Punishment for certain Offences, and Substitution of other Punishment.	The whole.
1 Geo. 4, c. 118	Excise Duty on Malt (Scotland).	The whole.
1 & 2 Geo. 4, c. 14	Free Importation of Cochineal and Indigo.	The whole.
1 & 2 Geo. 4, c. 22	Ale and Beer Duties (Great Britain).	So much as relates to certificates and increases in stock.
1 & 2 Geo. 4, c. 29	Allowances in certain Cases in respect of Duty on Irish Starch imported into Great Britain.	The whole.
1 & 2 Geo. 4, c. 47	Disfranchisement of Borough of Grampound, and additional Knights of the Shire for Yorkshire.	Sections two and three.
1 & 2 Geo. 4, c. 50	Making and Sale of Bread out of City of London and beyond Bills of Mortality, &c.	The whole.
1 & 2 Geo. 4, c. 60	Exemption of Ships in ballast in the South Sea Trade from certain Tonnage Duties.	The whole.
1 & 2 Geo. 4, c. 70	Loan from Commissioners for Reduction of National Debt.	The whole.
1 & 2 Geo. 4, c. 75	Frauds by Boatmen and others, and Adjustment of Salvage in England.	The whole.
1 & 2 Geo. 4, c. 91	Silk and Mohair, &c. Bounties.	The whole.
1 & 2 Geo. 4, c. 96	British Spirits Duty (Lisburne, Ireland).	The whole.
1 & 2 Geo. 4, c. 99	Slave Trade.	The whole.
1 & 2 Geo. 4, c. 102	Drawback on Acetous Acid exported, and Exemption of Drainage Tiles from Duty.	The whole.
1 & 2 Geo. 4, c. 105	Amendment of Laws of Excise as to warehoused Goods.	The whole.
1 & 2 Geo. 4, c. 110	Horse Duties.	The whole.
1 & 2 Geo. 4, c. 120	Lotteries.	The whole.
3 Geo. 4, c. 25	Starch and Soap Duties Allowances.	The whole.
3 Geo. 4, c. 32	Duties on plain Silk Net or Tulle.	The whole.
3 Geo. 4, c. 38	Punishment for Manslaughter and for Robbery by Servants, and of Accessories before the Fact to certain Felonies.	The whole.
3 Geo. 4, c. 47	Rate of Interest on Securities made in Great Britain on Land, &c., in Ireland or the Colonies.	The whole.
3 Geo. 4, c. 73	Loan from Commissioners for Reduction of National Debt.	The whole.
3 Geo. 4, c. 74.	Bankrupts under joint Commissions.	The whole.
3 Geo. 4, c. 101.	Lotteries.	The whole.
3 Geo. 4, c. 109.	Duties and Drawbacks on Barilla.	The whole.
3 Geo. 4, c. 125.	Leases of Tithes by Ecclesiastical Persons (Ireland).	The whole.
4 Geo. 4, c. 23.	Consolidation of Boards of Customs, and of Boards of Excise of Great Britain and Ireland.	The whole.
4 Geo. 4, c. 45.	Assessed Taxes Composition.	The whole.
4 Geo. 4, c. 70.	Court of Exchequer, Equity Side (Ireland).	The whole.
4 Geo. 4, c. 77.	Duties on Goods in Foreign Vessels, &c.	The whole, except sections five and six.
4 Geo. 4, c. 78.	Stamp Duty on Proceedings in Equity (Ireland).	So far as relates to the Equity Side of the Court of Exchequer.
4 Geo. 4, c. 89.	Limitation of Expenses of certain Law Proceedings (Ireland).	Section three.
5 Geo. 4, c. 4.	Law Proceedings (Ireland).	The whole.
5 Geo. 4, c. 8.	Church Lands (Ireland).	The whole.
5 Geo. 4, c. 16	Court of Exchequer, Equity Side (Ireland).	The whole.
5 Geo. 4, c. 17	Slave Trade Suppression.	The whole.
5 Geo. 4, c. 26	Barrack Property.	The whole.
5 Geo. 4, c. 50	Price of Bread.	The whole.
5 Geo. 4, c. 54	Beer and Spirit Licences.	Duties granted by.
5 Geo. 4, c. 70	Substitution of Flour for Foreign Wheat in Warehouses.	The whole.

Act.	Subject.	Extent of Repeal.
5 Geo. 4, c. 75	Excise and Customs Duties	The whole.
5 Geo. 4, c. 85	Gaols and Houses of Correction (England).	So much as requires the making of any return in the form of the Schedule (A.) to this Act.
5 Geo. 4, c. 106	Courts of Great Sessions in Wales.	The whole.
5 Geo. 4, c. 113	Slave Trade Abolition.	From section thirteen to section twenty, both inclusive. Sections thirty-seven and forty-two. From section fifty-two to section fifty-nine, both inclusive, as to Portugal or Spain. Section sixty-seven. Section seventy-two.
6 Geo. 4, c. 19	Threatening Letters as to accusing of infamous Crimes.	The whole.
6 Geo. 4, c. 56	Indictments for Forgery on Partnerships.	The whole.
6 Geo. 4, c. 60	Exchequer, Equity Side (Ireland).	The whole.
6 Geo. 4, c. 85	Salaries and Pensions of Judges in India, and Bishop of Calcutta; Transportation from St. Helena; Administration of Justice at Singapore, &c.	Section seventeen.
6 Geo. 4, c. 96	Writs of Error.	The whole.
7 Geo. 4, c. 17	Administration of Justice, Durham.	The whole.
7 Geo. 4, c. 20	Stamp Duties in Courts of Law (Ireland).	The whole.
7 Geo. 4, c. 48	Customs Laws Amendment.	The whole, except so much of section fifty-two as relates to excise.
7 Geo. 4, c. 55	Poll at Elections of Knights of the Shire for the County of York.	The whole.
7 & 8 Geo. 4, c. 34	Ministers' Money (Ireland).	The whole.
7 & 8 Geo. 4, c. 46	General Register House, Edinburgh.	The whole.
7 & 8 Geo. 4, c. 66	Grants of Crown Lands for Public Buildings and Cemeteries.	The whole.
9 Geo. 4, c. 9	Sessions of the Peace, Westminster.	The whole.
9 Geo. 4, c. 59	Mode of taking the Poll at Parliamentary Elections for Boroughs (England).	The whole.
9 Geo. 4, c. 72	Bombay Marine.	The whole.
9 Geo. 4, c. 76	Customs.	The whole.
9 Geo. 4, c. 84	Slave Trade Abolition.	The whole.
9 Geo. 4, c. 93	Delivery of Sugar out of Bond to be refined.	The whole.
10 Geo. 4, c. 16	Appointment of Writers in the East India Company's Service.	The whole.
11 Geo. 4 & 1 Will. 4, c. 10	Maintenance of Families of Smugglers sentenced to serve in the Navy.	The whole.
11 Geo. 4 & 1 Will. 4, c. 69	Judicial Establishments (Scotland).	Section forty-two.
1 Will. 4, c. 3	Administration of Justice, Law Terms, &c.	Sections five and six.
2 & 3 Will. 4, c. 13	Presentments, Baronies of St. Sepulchres and Donore (Ireland).	The whole.
2 & 3 Will. 4, c. 31	Regulation of Baking Trade (Ireland).	The whole.
2 & 3 Will. 4, c. 41	Recovery of Tithes (Ireland).	The whole.
2 & 3 Will. 4, c. 49	Office of Clerks of the Signet and Privy Seal.	The whole.
3 & 4 Will. 4, c. 10	Cotton Wool Customs Duty.	The whole.
3 & 4 Will. 4, c. 16	Excise Duties on Soap.	The whole.
3 & 4 Will. 4, c. 17	Manufacture of Stone Blue.	The whole.
3 & 4 Will. 4, c. 41	Judicial Committee of Privy Council.	Sections twenty-two, twenty-five, twenty-six, and twenty-seven.
3 & 4 Will. 4, c. 98	Bank of England Privileges.	Section seven.
4 & 5 Will. 4, c. 32	Reduction of Tonnage Rates in the Port of London.	Section four.
4 & 5 Will. 4, c. 89	Customs.	The whole.
5 & 6 Will. 4, c. 32	Tea Duties.	The whole.
5 & 6 Will. 4, c. 37	Militia Staff Reduction and Ballots Suspension.	The whole.
5 & 6 Will. 4, c. 40	Duties on Wood, the Produce of Places in Europe.	The whole.
6 & 7 Will. 4, c. 25	Postage Milford and Waterford.	The whole.
6 & 7 Will. 4, c. 26	Sugar Duties.	The whole.
6 & 7 Will. 4, c. 61	Shipowners' Liability for Losses by Fire.	The whole.

Act.	Subject.	Extent of Repeal.
6 & 7 Will. 4, c. 101	Parliamentary Elections; List of Voters; Returning Officers (England).*	Section three.
6 & 7 Will. 4, c. 112	Court of Exchequer, Equity Side.	The whole.
7 Will. 4 & 1 Vict. c. 51	Loans for Public Works and Fisheries.	Section seventeen.
7 Will. 4 & 1 Vict. c. 70	Haileybury College, &c.	Sections one, two, three, seven, and so much of section five as relates to admission to Haileybury College.
7 Will. 4 & 1 Vict. c. 85	Amendment of Laws relating to Offences against the Person.	Section eleven. †
1 & 2 Vict. c. 10	Banking and other Copartnerships, in which spiritual Persons are interested, Validity of Contracts.	The whole.
1 & 2 Vict. c. 22	Haileybury College.	The whole.
1 & 2 Vict. c. 54	Investment of Suitors' Money, Courts of Chancery and Exchequer.	Sections three and four.
1 & 2 Vict. c. 120	Duchy of Cornwall Tin Duties.	Section eight.
2 & 3 Vict. c. 14	Certain Appointments in Cathedral Churches (England).	The whole.
3 & 4 Vict. c. 17	Customs, Excise, and Assessed Taxes.	So much as relates to customs duties and drawbacks.
3 & 4 Vict. c. 34	Masters in Chancery.	The whole.
3 & 4 Vict. c. 49	Excise Duties on Soap.	The whole.
4 & 5 Vict. c. 13	South Australia, Loan to Colonization Commissioners.	The whole.
5 & 6 Vict. c. 89	Drainage of Lands (Ireland).	Section twenty-seven.
5 & 6 Vict. c. 110	Coventry Boundary.	Section nine.
6 & 7 Vict. c. 12	Coroners' Inquests.	Section four.
6 & 7 Vict. c. 29	Duties on Wheat, &c. imported from Canada.	The whole.
7 & 8 Vict. c. 28	Sugar Duties.	The whole.
7 & 8 Vict. c. 33	County Rates and High Constables.	So far as relates to county rates.
8 & 9 Vict. c. 5	Sugar Duties.	The whole.
8 & 9 Vict. c. 13	Excise Duties on Sugar.	The whole.
8 & 9 Vict. c. 48	Oaths Dispensation, Bankruptcy.	The whole.
9 & 10 Vict. c. 22	Corn Importation.	The whole.
9 & 10 Vict. c. 58	Duties of Customs on Books and Engravings.	The whole.
9 & 10 Vict. c. 63	Sugar Duties.	The whole.
9 & 10 Vict. c. 94	Reduction of Duties of Customs by Legislatures of certain British Possessions.	The whole.
10 & 11 Vict. c. 45	Prisoners' Removal in certain Cases (Ireland).	The whole.
10 & 11 Vict. c. 85	Post Office.	Section eleven.
12 & 13 Vict. c. 19	Removal of Prisoners from Gaols in Cases of Epidemic Diseases.	The whole.
12 & 13 Vict. c. 70	Summary Convictions (Ireland).	The whole.
12 & 13 Vict. c. 93	Metropolitan Sewers.	The whole.

* It is to be hoped that the repeal hereby made is not to be taken as an index of the accuracy and utility of the present schedule. The Act of Will. 4 referred to, contained three sections, of which the first two were temporary only in their nature, but the third was to provide for the due transaction of election business in case of a vacancy in the office of the "returning officer" of a city or borough; and it enacted in effect that the sheriff of the county should act in his place in the two different contingencies of some precept to be issued or act done "by the returning officer, and of a writ or precept issuing to him for the return of a member of Parliament." Now, with regard to this latter contingency, later Acts (viz., 6 & 7 Vict. c. 18, s. 99, and 17 & 18 Vict. c. 57) contain amended provisions; and the third section of 6 & 7 Will. 4, c. 191, is therefore *quo ad hoc* rendered unnecessary. But with regard to the former case—viz., of some Act requiring to be done by a re-

turning officer and the vacancy of that office—we are not aware of any provision overriding the one now repealed; and, therefore, it should have been allowed to remain in force. Nor is the difficulty a theoretical one merely. For in reference to the annual revision of borough voters, several precepts and acts are required to be issued and done by the "town clerk" of a borough; and in cases where there is no such officer, then by the "returning officer;" and a vacancy in that office, during the proper season for these duties being performed, seems, therefore, to be now left unprovided for.

† It is not easy to understand why this 11th section is inserted in this list, inasmuch as the whole of the 7 Will. 4 and 1 Vict. c. 85, is repealed by the "Criminal Statutes Repeal" of the present session (cap. 95), as being inconsistent with cap. 100, regulating the law relating to offences against the person.

Act.	Subject.	Extent of Repeal.
13 & 14 Vict. c. 14	Advances to Distressed Unions (Ireland).	The whole.
13 & 14 Vict. c. 67	Excise on Sugar, and Brewers' and Distillers' Licences.	Section three.
14 & 15 Vict. c. 89	Metropolitan Interment Act (1850) Amendment.	The whole.
15 & 16 Vict. c. 16	Repayment of Advances (Ireland) Act Amendment.	The whole.
16 & 17 Vict. c. 54	Customs Duties.	The whole.
16 & 17 Vict. c. 125	Metropolitan Sewers Acts Continuance and Amendment.	The whole.

CAP. CII.

An Act to amend the Tramways (Ireland) Act (1860).
[6th August, 1861.]

CAP. CIII.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty-one, and to appropriate the Supplies granted in this Session of Parliament.
[6th August, 1861.]

CAP. CIV.

An Act for establishing High Courts of Judicature in India.
[6th August, 1861.]

CAP. CV.

An Act to prevent the future Grant by Copy of Court Roll and certain Leases of Lands and Hereditaments in England belonging to Ecclesiastical Benefices.
[6th August, 1861.]

WHEREAS there are in England certain ecclesiastical benefices to which belong manors, lands, tenements, and hereditaments which, by custom or otherwise, the rectors, vicars, perpetual curates, or incumbents thereof have power to grant and lease out for lives and long terms of years, and such grants have been made by them at nominal annual rents, to the prejudice of their successors, and it is expedient to determine and put an end to the power to make such grants: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *No grant by any future prebendary, rector, &c., to be valid unless made in conformity with the provisions of certain Acts.* It shall not be lawful for any prebendary of any prebend, not being a prebend of any cathedral or collegiate church, rector, vicar, perpetual curate, or incumbent, who after the passing of this Act may become possessed of or entitled to any manors, lands, tenements, or hereditaments belonging to any ecclesiastical benefice in England, to make any grant by copy of court roll or lease of any such manors, lands, tenements, or hereditaments in consideration of any fine, premium, or foregift, but the same may, by any rector, vicar, perpetual curate, or incumbent appointed after the passing of this Act, be leased, sold, exchanged, or enfranchised, or disposed of under the provisions of a certain Act passed in the session of Parliament held in the fifth and sixth years of the reign of her Majesty, chapter twenty-seven, intituled "An Act for better enabling Incumbents of Ecclesiastical Benefices to demise the Lands belonging to their Benefices on Farming Leases;" of a certain other Act passed in the same session of Parliament, chapter one hundred and eight, intituled "An Act for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years;" and of a certain other Act passed in the session of Parliament held in the twenty-first and twenty-second years of the reign of her Majesty, chapter fifty-seven, intituled "An Act to amend the Act of the Fifth and Sixth Years of Her present Majesty, for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years," or such of the provisions of such Acts respectively as are now in force.

2. *Reserving rights of present incumbents and other rights.* Nothing herein contained shall interfere with or prevent the right and power of any such present prebendary, rector, vicar, perpetual curate, or incumbent, during his incumbency, to make any grant by copy of court roll or lease which he might lawfully have made before the passing of this Act, and nothing

herein contained shall prejudice or affect any grant heretofore made by any such prebendary, rector, vicar, perpetual curate, or incumbent, or any right of renewal or tenant right, if any such there be, in any manors, lands, tenements, or hereditaments held under any such grant, or under any lease, nor shall this Act prejudice or affect any power of sale, exchange, or enfranchisement existing under any statute now in force, or any present or future right of admission of any person to any copyhold tenement according to the custom of the manor of which it is holden, and to which such person may be legally entitled.

3. *Rectors to have same powers of sale as are possessed by ecclesiastical corporations.* Notwithstanding anything contained in the eleventh section of an Act passed in the session held in the fourteenth and fifteenth years of her Majesty, chapter one hundred and four, any rector, vicar, perpetual curate, or incumbent shall have such and the same powers of sale, exchange, and enfranchisement as are possessed by any ecclesiastical corporation, sole or aggregate, under any Act now in force; and the provisions of an Act passed in the session held in the twenty-third and twenty-fourth years of her Majesty, chapter one hundred and twenty-four, shall, so far as the same relate to powers for the raising or application of money by trustees, allowances to leasees, arbitration, valuation, rate of interest, apportionment of rent, and substitution of titles on exchange, be applied, *mutatis mutandis*, to sales, exchanges, or enfranchisements of any manors, lands, tenements, or hereditaments, in this Act comprised; but the proceeds of any such sales or enfranchisements, and any moneys received by way of equality of exchange, shall be applied according to the provisions in that behalf contained in the said Act passed in the session held in the fifth and sixth years of her Majesty, chapter one hundred and eight, and in the said Act passed in the session held in the twenty-first and twenty-second years of her Majesty, chapter fifty-seven.

CAP. CVI.

An Act to enable the Admiralty to close the Harbour of Portpatrick in Scotland during the Execution of certain Works in such Harbour sanctioned by Parliament.
[6th August, 1861.]

CAP. CVII.

An Act to alter and amend the Law relating to Parochial and Burgh Schools, and to the Test required to be taken by Schoolmasters in Scotland.
[6th August, 1861.]

CAP. CVIII.

An Act to provide for the Winding-up the Naval Medical Supplemental Fund Society.
[6th August, 1861.]

CAP. CIX.

An Act to amend the Laws relating to Fisheries of Salmon in England.
[6th August, 1861.]

CAP. CX.

An Act for regulating the Business of Dealers in Old Metals.
[6th August, 1861.]

WHEREAS by the four hundred and eightieth section of the Merchant Shipping Act, 1854, certain provisions were enacted for the regulation of the business of persons dealing in, buying, and selling anchors, cables, sails, or old junk, old iron, or marine stores of any description, and such provisions have been found beneficial in diminishing the facilities for disposing of stolen goods; and it is expedient that similar provisions should

be enacted for the regulation of the business of all dealers in old metals which afford facilities for the disposing of stolen goods: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Short title.*] This Act may be cited for all purposes as "The old Metal Dealers Act, 1861."

2. *Commencement of Act.*] This Act shall come into operation on the first day of January, One thousand eight hundred and sixty-two.

3. *Definition of terms.*] In the construction and for the purposes of this Act the term "dealer in old metals" shall mean any person dealing in, buying, and selling old metal, scrap metal, broken metal, or partly manufactured metal goods, or defaced or old metal goods, and whether such person deals in such articles only, or together with second-hand goods or marine stores, and the term "old metals" shall mean the said articles.

4. *Penalty on dealer in old metals being in possession of stolen property.*] It shall be lawful for any justice of the peace, upon complaint made before him, upon oath, that the complainant has reason to believe and does believe that any old metal stolen or unlawfully obtained is kept in any house, shop, room, or place by any dealer in old metals within the limits of the jurisdiction of such justice, to give authority, by special warrant, to any constable or police officer to enter, in the daytime, such house, shop, room, or other place, with such assistance as may be necessary, and to search for and seize all such old metals there found, and to carry all the articles so seized before the justice issuing the said warrant, or some other justice exercising similar jurisdiction, and such justice shall thereupon issue a summons requiring such dealer to appear before two justices, at a time and place to be named in such summons, and if such dealer shall not then and there prove to the satisfaction of such justices how he came by the said articles, or if any such dealer shall be found in possession of any old metal which has been stolen or unlawfully obtained, and on his being taken or summoned before two justices it shall be proved to the satisfaction of such justices that at the time when he received it he had reasonable cause to believe it to have been stolen or unlawfully obtained, then in either of such cases such dealer shall be liable to a penalty not exceeding five pounds, and for any subsequent offence to a penalty not exceeding twenty pounds, or at the discretion of the justices in the case of such second or subsequent offence shall be imprisoned and kept to hard labour for any period not exceeding three calendar months: provided always, that nothing herein contained shall interfere with or affect any proceeding by indictment to which such dealer in old metals may be liable for feloniously and knowingly receiving stolen goods, but no person shall be prosecuted by indictment and proceeded against under this Act for the same offence.

5. *Justices may order dealer to be registered.*] When any dealer in old metals is convicted of either of the offences aforesaid, it shall be lawful for such justices, or, on proof of such conviction, for any other two justices of the same petty sessional district of a county, or city or borough, on proof of such conviction, to order and direct that such dealer shall be registered at the principal police office of such district or city or borough in a book to be kept by the chief officer of police for the purpose, according to the form No. 1 in the schedule to this Act annexed, and from and after such registration such dealer shall be subject to and shall conform to the several regulations hereinafter provided, for such period, not exceeding three years, as such justices shall order; and if such dealer shall during such period be convicted of any offence under this Act, the justices so convicting him may order such period to be extended for not more than three years from the time when such period would otherwise expire; and in like manner, whilst such dealer is subject to the regulations of this Act, on any further conviction under this Act, and as often as such further conviction shall take place, the justices so convicting him may order the period for which he is then subject to such regulations to be extended for not more than three years from the time when such period would otherwise expire: provided always, that where any dealer in old metals who is also a dealer in marine stores within the meaning of the four hundred and eightieth section of the Merchant Shipping Act, 1854, is registered as aforesaid, he shall likewise conform to the regulations contained in the said section of the said Act, and shall be liable to the penalties in the said section provided for not conforming to such regulations.

6. *Dealer to give notice of change of place of business.*] Every dealer in old metals who is subject to the regulations of this Act as aforesaid, shall, upon removing to any other place of business, give notice of such removal at the police office where he is registered, and if he shall continue to carry on business as a dealer in old metals without giving such notice, he shall incur a penalty not exceeding five pounds, and a penalty not exceeding ten shillings for every day after the first on which he continues to carry on such business without giving such notice; and where such dealer shall remove to any place out of the petty sessional district of a county or the city or borough in which he has been registered, it shall be the duty of the superintendent of police for such district, city, or borough to transmit a certificate of such registration signed by himself, which shall be evidence of such registration, together with a certified copy of any order of justices, as to the period for which such dealer is to be subject to the regulations of this Act, to the clerk of the justices for the district, city, or borough in which such dealer has taken up his residence, and any of the justices of such district, city, or borough may thereupon issue a summons to such dealer to appear before two justices, and if it shall appear to such justices that he intends carrying on business as a dealer in old metals, such justices may order him to be registered in the same manner as provided in the fifth section of this Act, and such registration shall have the same effect, during the period for which such dealer is to be subject to the regulations of this Act by any order of justices as aforesaid, as in the said section provided.

7. *Inspectors and serjeants of police to visit places of business of registered dealers in old metals.*] It shall be lawful for two justices by order in writing to authorise one or more inspectors or serjeants of police to visit at any time the places of business and inspect the goods and books of dealers in old metals who are subject to the regulations of this Act as aforesaid, and who carry on business within the district of a county or the city or borough for which such justices act, and every such inspector or serjeant shall and is hereby empowered to record in the book hereinafter required to be kept by every such dealer in old metals the day and hour of his visit, and place opposite the entry of every article examined by him his initials or name in attestation of the same.

8. *Regulations to be observed by registered dealers in old metals.*] Every dealer in old metals who is registered as aforesaid shall, during the period which the justices shall order as above provided, conform to the following regulations: (that is to say)

(1.) He shall keep a book or books fairly written, and shall enter therein, according to the form No. 2 in the schedule to this Act annexed, an account of all such old metals as he may from time to time become possessed of, stating in respect of each article the name of the person who purchased or received the same, and the time at which and the name of the person from whom he purchased or received the same, adding in the case of every such last-mentioned person a description of his business and place of abode; and he shall also enter in such book or books, according to the form No. 3 in the schedule to this Act annexed, an account of all such old metals as he may from time to time sell or dispose of, stating in respect of such old metals the name of the person to whom he sold or disposed of the same, adding a description of his business and place of abode; and every such entry in such book or books shall be deemed and taken, unless the contrary be shown, to have been made by or with the authority of the dealer in old metals to whom such book or books belong:

(2.) He shall not by himself or any other person purchase or receive any old metals of any description before the hour of nine in the morning nor after the hour of six in the evening, nor shall he by himself or any other person purchase or receive old metals of any description from any person apparently under the age of sixteen years, nor shall he employ any servant or apprentice or any other person under the age of sixteen years to purchase or receive old metals of any description:

(3.) He shall produce to any inspector or serjeant of police, authorised as in the last preceding section provided, whenever thereto requested, the book or books required to be kept as aforesaid, and any old metals purchased or received by him then in his possession; and such old metals shall be deemed to be in the possession of such dealer when they are placed in any house, outhouse, yard, garden, or place occupied by him, or shall have been removed with his

knowledge and permission to any other place without a *bona fide* sale of such old metals having been made by him.

(4) He shall without delay give notice to the officer on duty at the police station nearest to the place where he carries on business of any articles then in his possession or which shall thereafter come into his possession answering the description of any articles which have been stolen, embezzled, or fraudulently obtained, of which printed or written information, containing a description of such articles, is given to him by any officer of police:

(5) He shall keep all old metals purchased or received by him without changing the form in which such articles were when so purchased, or disposing of the same in any way for a period of forty-eight hours after such article has been purchased or received:

For any act or default contrary to the foregoing regulations done or made by any registered dealer in old metals, during the period which the justices shall order as above provided, he shall incur a penalty of not less than twenty shillings and not exceeding five pounds, and for every subsequent offence a penalty of not less than five pounds and not exceeding twenty pounds.

9. *Recovery of penalties.*] Every penalty hereby incurred and all costs directed to be paid upon any information or complaint laid under the provisions of this Act shall be recovered summarily before any two or more justices of the peace in the manner directed by the Act of the eleventh and twelfth years of the reign of her majesty Queen Victoria, chapter forty-three, or in such other manner as may be directed by any Act or Acts that may be passed for like purposes; and where any costs or expenses are incurred in or about the prosecution or carrying into effect of this Act, which are not recoverable under the provisions of the above Act, it shall be lawful for any two justices of the peace of any county or borough, if they shall think fit, to order and direct the same to be paid to the party incurring the same out of the same fund and in the same manner as is directed by the Act of the seventh year of the reign of his late Majesty King George the Fourth, chapter sixty-four, in cases of felony and misdemeanor.

10. *Application of penalties.*] The justices imposing any penalty under this Act may, if they shall think fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the Act or default in respect of which such penalty is imposed, or to be applied in and towards payment of the expenses of the proceedings; and subject to such directions or specific application as aforesaid, all penalties shall be paid to the treasurer of the county or of the city or borough within which such penalties are recovered, and shall be carried to and form part of the county fund or of the city or borough fund of such county or of such city or borough respectively.

11. *Appeal in certain cases.*] In all cases of convictions under the fourth section of this Act, and in all other cases of convictions under this Act where a sum of money exceeding five pounds shall be adjudged to be paid, any person who thinks himself aggrieved by such conviction may appeal to the next court of general or quarter sessions which is holden not less than twelve days after the day of such refusal or conviction for the county, city, borough, liberty, riding, division, or place wherein the case has been tried; provided that such person shall give to the justices or the complainant, as the case may be, a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also within such periods respectively enter into a recognizance with two sufficient sureties before a justice of the peace, conditioned personally to appear at the sessions and try such appeal, and abide the judgment of the Court thereupon, and pay such costs as shall be by the Court awarded; and the Court at such sessions shall hear and determine the matter of appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet: provided always, that in case the conviction appealed against shall be under the fourth section of this Act, and an order for registration has been made on such conviction, the party so convicted shall not be subject to the regulations of this Act until after such appeal is heard and determined against such party.

12. *Limit of Act.*] This Act shall extend to England only.

SCHEDULE.

No. 1.

REGISTER OF DEALERS IN OLD METALS.

Date of registration.	Date of conviction.	Period for which to be subject to regulations of this Act.	Name.	Place of abode and business.

No. 2.

ENTRY OF PURCHASES AND RECEIPTS.

Day of purchase or receipt, and hour of day.	Description of old metal purchased or received.	Name and surname of person who purchased or received.	Name and surname of person from whom purchased or received.	Business and place of abode of person from whom purchased or received.

No. 3.

ENTRY OF SALES.

Day of sale.	Description of old metal sold.	Name and surname of person to whom sold.	Business and place of abode or business of person to whom sold.

CAP. CXI.

An Act to amend "The Probates and Letters of Administration Act (Ireland), 1857." [6th August, 1861.]

CAP. CXII.

An Act for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury and Saint Albans. [6th August, 1861.]

7 & 8 Vict. c. 53. 15 & 16 Vict. c. 9.] WHEREAS by an Act of the session of the seventh and eighth years of the reign of her present Majesty, chapter fifty-three, intituled "An Act for the Disfranchisement of Sudbury," it is provided that the borough of Sudbury in the county of Suffolk shall, from and after the passing of that Act, cease to return any member or members to serve in Parliament; and whereas by an Act of the session of the fifteenth and sixteenth years of the reign of her present Majesty, chapter nine, intituled "An Act to disfranchise the Borough of St. Albans," it is provided that the borough of St. Albans in the county of Hertford shall, from and after the passing of that Act, cease to return any members or member to serve in Parliament: and whereas it is expedient to appropriate in manner hereinafter mentioned the four seats vacated by the disfranchisement of the said boroughs: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Division of West Riding of Yorkshire.*] After the dissolution of this present Parliament the West Riding of the county of York shall be divided into two divisions, to be called respectively the Northern and Southern Divisions; the Northern Division shall contain the wapentakes of Staincliffe and Ewecross, Claro, Skyrack, and Morley; the Southern Division shall contain the wapentakes of Barkston Ash, Osgoldcross, Strafforth and Tickhill, Staincross, and Agbrigg.

2. *Number of members in future elections.*] In all future Parliaments there shall be two knights of the shire to serve for each of the said Northern and Southern Divisions, and such

knights shall be chosen in the same manner, and by the same classes or descriptions of voters, and in respect of the same rights of voting, as if each such division were a separate county; and all enactments now in force applicable to divisions of counties returning knights of the shire to serve in Parliament shall apply to the divisions hereby constituted.

3. *Courts and polling places.*] The court for the election of knights of the shire for the said Northern Division shall be held at Leeds, and the court for the election of knights of the shire of the said Southern Division shall be held at Wakefield; but the justices of the peace for the said West Riding, assembled at any court of quarter sessions not later than the first to be holden after the dissolution of the present Parliament, shall name the polling places for each of the said Northern and Southern Divisions, and divide such divisions into convenient districts for polling, and shall assign one of such districts to every polling place named; and a list stating the polling places and describing the districts assigned shall be lodged with the clerk of the peace of the West Riding, who shall forthwith cause copies of such list to be printed, and shall deliver a copy of such list to every person who shall apply for the same, upon payment of one shilling for each copy: provided always, that nothing herein contained shall, as regards the divisions constituted by this Act, affect the power of altering from time to time polling places and districts contained in the Act of the session held in the sixth and seventh years of King William the Fourth, chapter one hundred and two.

4. *Provision in case of dissolution before construction of new polling district.*] In case of dissolution of the present Parliament, and a new election, taking place before the justices have named such polling places and assigned such polling districts as aforesaid, the places then by law appointed for taking the poll for elections of knights of the shire for the West Riding of York, which are situate in the respective divisions constituted by this Act, shall be the places for taking the poll at such election for the election of knights of the shire to serve in Parliament for the respective divisions constituted as aforesaid, and the districts assigned to such polling places shall be deemed to continue for the purposes of such election, subject to this qualification: that if a portion of any district assigned to any polling place is situate in a different division from the polling place, the sheriff shall, in his proclamation of the place and time at which the election of members for either division is to be held, declare at what polling place or polling places the voters of any parish or township situate in such outlying portion are to vote.

5. *Voters for first general election.*] For the purposes of the first general election for the said Northern and Southern Divisions that takes place after the dissolution of this present Parliament, the clerk of the peace of the said West Riding shall make a new register of voters by apportioning to each division, according to the situation in such division of the parishes or townships, the several persons appearing, by the existing register, to be for the time being voters for the said West Riding, and the voters for the said Northern and Southern Divisions respectively shall be determined by such new register, and shall be entitled to vote accordingly, and the clerk of the peace of the said West Riding shall send notice to the overseers of each parish and township within the said West Riding of the division for which the voters of such parish or township are entitled to vote, and the said overseer shall publish such notice in manner directed by law; and at such general election as is mentioned in this section all persons shall vote in the polling district in which their qualifications are situate, unless they may have claimed, and be entitled by law, to vote in some other polling district within the same division.

6. *Voters at subsequent general elections.*] For the purposes of all elections subsequent to the first general election held for the said divisions after the dissolution of this present Parliament, registers of voters shall be formed in respect of the divisions of the said West Riding constituted under this Act, at the same time and in like manner as if they were divisions of counties now returning members to serve in Parliament; but nothing in this Act shall affect the rights of persons whose names are for the time being on the register of voters to vote at any election of a member of the West Riding in respect of any vacancy that may take place before such dissolution.

7. *Additional member for Southern Division of Lancashire.*] After the passing of this Act the Southern Division of Lancashire shall be entitled to return three knights of the shire, instead of two, to serve in Parliament.

8. *Provision for election of such additional member.*] As soon as may be after the passing of this Act the Speaker of the House of Commons shall, without any motion being made, or, if it be during the recess, without receiving any such notice as is required in the case of an ordinary vacancy, issue a warrant to the Clerk of the Crown to make out a writ for electing an additional member of the House of Commons for the said Southern Division of Lancashire, and such warrant shall be valid notwithstanding the issue thereof during the recess of the House of Commons by prorogation or adjournment, and the same proceedings, as nearly as circumstances admit, shall be had in pursuance of the writ so made out as if the said division had previously returned three members, instead of two, to serve in Parliament, and a vacancy had occurred in the seat of one of the members returned for such division.

9. *Birkenhead to form a borough to return one member.*] Birkenhead in the county of Cheshire shall, for the purposes of this Act, be a borough, and shall from and after the first of December, one thousand eight hundred and sixty-one, return one member to serve in Parliament; it shall as such borough include the places following; that is to say, the extra-parochial chapelry of Birkenhead, the several townships of Claughton, Tranmere, and Oxton, and so much of the township of Higher Bebbington as lies to the eastward of the road leading from Higher Tranmere to Lower Bebbington.

10. *Provision for appointment of returning officer for such borough.*] The sheriff for the time being of the county in which the borough constituted by this Act is situate shall as soon as possible after the passing of this Act, and in every subsequent year in the month of March, by writing under his hand, to be delivered to the clerk of the peace of the county within one week, and to be by such clerk of the peace filed and preserved with the records of his office, appoint for such borough a fit person being resident therein to be, and such person so appointed shall accordingly be, the returning officer for such borough until the appointment to be made in the succeeding March, and the provisions contained in section eleven of the Act of the session of the second and third years of King William the Fourth, chapter forty-five, providing for the even of the death or incapacity of any person appointed as returning officer for any borough, as therein mentioned, and exempting any person so appointed from serving again in the same office, and disqualifying certain persons from being so appointed, and persons so appointed from being appointed churchwardens or overseers, shall extend and be applicable to and for the appointment of returning officer for the borough constituted by this Act, and to the returning officer to be appointed for the same.

11. *A register of voters to be formed in 1861 for such borough.*] Notwithstanding the continuance of this present Parliament, a register of voters shall be formed in and after the year one thousand eight hundred and sixty-one for the borough constituted by this Act, in like manner as if it were a borough now returning a member to serve in Parliament, with this qualification, that for the purposes of the register of the said borough to be formed in the year one thousand eight hundred and sixty-one, the Act passed in the session holden in the sixth year of the reign of her present Majesty, chapter eighteen, shall be construed as if the month of August had been inserted therein in place of the month of June, and the month of September in the place of the month of July, and the month of October in the place of the month of August, and the month of November in the place of the month of September; and it shall be the duty of the revising barrister to hold his court for the revision of the list of the voters for the borough between the fourteenth day of November and the twenty-first day of November, one thousand eight hundred and sixty-one, instead of between the fifteenth day of September and the last day of October, as in the said Act mentioned; and the printed book or books constituting the register of voters for the borough of Birkenhead shall be delivered to the returning officer of the said borough on or before the last day of November as in the said Act mentioned; and the said register shall be deemed to be in force from and after such last-mentioned day.

12. *Provisions consequent on formation of such borough.*] No person shall be registered in the register of voters formed after the passing of this Act for the county of Cheshire who would not be entitled to be so registered in case the borough of Birkenhead were now a borough returning a member to serve in Parliament.

13. *Provision as to such borough in case of a dissolution before its register is in force.*] In case a dissolution of this present Parliament takes place before the day at and from which the register of voters to be first made for the borough constituted by this Act begins to be in force, the writs for the election of a member to serve in Parliament for such borough shall not be issued until such register begins to be in force; but if no dissolution of this present Parliament takes place before such last-mentioned day, the Speaker of the House of Commons shall, without any motion being made, or, if it be during the recess, without receiving any such notice as is required in the case of an ordinary vacancy, issue a warrant to the Clerk of the Crown to make out a writ for the election of one member for the said borough, and such warrant shall be valid notwithstanding the issue thereof during the recess of the House of Commons by prorogation or adjournment, and the same proceedings, as nearly as circumstances admit, shall be had in pursuance of the writ so made out as if the said borough had previously returned a member to Parliament, and a vacancy had occurred in the seat of such member.

14. *Writs, &c. to be made conformable to this Act.*] All warrants and writs to be issued for the election of members to serve in Parliament, in pursuance of this Act, and all mandates, precepts, instruments, proceedings, and notices consequent upon such writs, shall be framed in such manner and form as may be necessary for the carrying the provisions of this Act into effect.

15. *Election laws to remain in force.*] Subject to the provisions of this Act, all laws, statutes, usages, provisions, and penalties now in force relating to the issuing of writs, the conduct of elections, or otherwise respecting the representation of the people in England and Wales, shall remain in full force, and shall apply, as nearly as circumstances admit, to the borough hereby constituted, as if it were now a borough returning a member to Parliament, and to the divisions of counties hereby authorised to return additional members, as if they were now returning such additional member.

CAP. CXIII.

An Act for amending and consolidating the Law relating to Industrial Schools. [6th August, 1861.

WHEREAS it is expedient to make further provision for the education and control in industrial schools of destitute and refractory children: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. *Short title.*] This Act may be cited for all purposes as "The Industrial Schools Act, 1861."

2. *Limits of Act.*] This Act shall not extend to Scotland or Ireland.

3. *Interpretation of terms.*] The following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction:

"Justices" shall mean any two or more justices of the peace acting together in petty sessions, also the lord

* This interpretation clause is more than usually trenchant, and the advisability may be doubted of thus constituting a statutable language altogether independent of *Lindley Murray* and dictionaries as well as of ordinary talk, for the sake of somewhat shortening the length of each section. Thus, a single alderman is not only made to answer the term of "justices," but a "county" is to stand for a "borough," with which it is usually placed in contradistinction. Moreover, our legislators are not always in the same mind with respect to the meaning of particular terms. In the repealed Act, 20 & 21 Vict. c. 48, the term "parent" is to include any person legally liable to maintain a child, and also any person upon whom an order for affiliation has been made and not quashed; and in the present Act any person so liable, except the putative father of a bastard child on whom an order of affiliation has been made. It may be questionable, however, whether this is not one of the clerical errors abounding in our statute book.

mayor or any alderman of the city of London, or any other magistrate authorised by statute to do alone whatsoever is authorised by the Act of the eleventh and twelfth years of her present Majesty, chapter forty-three, to be done by any two or more justices of the peace:

"Managers" shall include the directors, managers, or other persons who have the management or control of any such industrial school as is hereinafter mentioned:

"Parent" shall include any person legally liable to maintain a child, except the putative father of a bastard child on whom an order of affiliation has been made:

"County" shall include any city, borough, riding, division of a county, or other place having a separate commission of the peace:

"Parish" shall include any place maintaining its own poor.

Certified Industrial Schools.

4. *Mode of certifying industrial school.*] Her Majesty's Secretary of State for the Home Department, hereinafter referred to as the Secretary of State, may, upon the application of the managers of any school in which industrial training is provided, and in which children are clothed, lodged, and fed, as well as taught, appoint such person as he may think fit to examine into the condition of the school, and to report to him thereon, and if satisfied with such report he may by writing under his hand certify that such school is fitted for the reception of such children as may be sent there in pursuance of this Act, and shall cause a copy of the certificate to be sent to the clerk of the peace of the county in which the school is situate, and to the town clerk of every borough within such county; but no school shall be certified under this Act and also under the Act of the session of the seventeenth and eighteenth years of her Majesty, chapter eighty-six, intituled "An Act for the better Care and Reformation of youthful Offenders in Great Britain."

It will be remarked that these schools are, by the present Act, retained under the supervision of the Home Secretary, as in the Act of 1857 (now repealed), instead of the Education Committee of the Privy Council, as in the previous Act of 20 & 21 Vict. c. 48.

5. *Withdrawal of certificate by Secretary of State.*] Every industrial school that has been certified under this Act, hereinafter referred to as "a certified industrial school," shall from time to time, and at least once in each year, be inspected by a person to be appointed by the Secretary of State; and it shall be lawful for the Secretary of State, if dissatisfied with the condition of such school as reported to him, by notice under his hand, addressed to the managers of such school, to declare that the certificate is withdrawn, from and after a day to be specified in such notice, not less than two months after the date thereof.

6. *Notice of withdrawal.*] Any such notice as aforesaid may be served on the managers of such school by delivering the same personally to any one of them, or by sending it, by post or otherwise, in a letter addressed to them or any of them at the said school, or at the usual or last known place of abode of any manager, or of the authorised secretary, and shall cause a copy of the notice to be sent to the clerk of the peace of the county in which the school is situate, and to the town clerk of every borough within such county; and any school on the managers of which such notice has been served shall from and after the day therein specified cease to be a certified industrial school within the meaning of this act.

7. *Resignation of certificate by managers.*] The managers of any certified industrial school may, upon giving six months previous notice of their intention so to do, in writing under the hand of one or more of them, or of the authorized secretary, require the Secretary of State to withdraw the certificate given to such school; and accordingly, at the expiration of six months from the date of the notice, such certificate shall be deemed to be withdrawn, and from thenceforth it shall not be lawful to send or receive there any more children under this Act; but the managers of a certified industrial school shall not, except in manner provided by this section, have power, without the consent of the Secretary of State, expressed in writing, to withdraw from the obligation of educating, clothing, lodging, and feeding any children that at the time of the giving such notice may be in the school, in pursuance of the provisions of this Act, until the certificate be withdrawn, or until such children be removed to some other industrial school by an order of the Secretary of State; and if such managers make default in so

doing they shall incur a penalty not exceeding five pounds for each default, to be recovered in manner hereinafter mentioned.

8. *Guardians may contract with managers.*] The guardians of any union or any parish wherein the relief to the poor is administered by a board of guardians, may, if they deem proper, with consent of the Poor Law Board, contract with the managers of any certified industrial school for the maintenance and education of any pauper child.

Admission of children to and their status at school.

9. *Description of children liable to be sent to school.**) Children of the descriptions hereinafter mentioned may be sent to certified industrial schools in pursuance of the provisions of this Act; that is to say,

1. Any child apparently under the age of fourteen years found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms:
2. Any child apparently under the age of fourteen years that is found wandering, and not having any home or settled place of abode, or any visible means of subsistence, or frequents the company of reputed thieves:
3. Any child apparently under the age of twelve years who having committed an offence punishable by imprisonment or some less punishment, ought nevertheless, in the opinion of the justices, regard being had to his age and to the circumstances of the case, to be sent to an industrial school:
4. Any child under the age of fourteen years whose parent represents that he is unable to control him, and that he desires such child to be sent to an industrial school, in pursuance of this Act, and who at the same time gives such undertaking or other security as may be approved by the justices before whom he is brought, in pursuance of this Act to pay all expenses incurred for the maintenance of such child at school:

Provided that no child who, on being brought before the justice, is proved to have been previously convicted of felony, shall be deemed to be within the provisions of this Act.

10. *Justices may send child to school.*] Any person may bring before justices any child that is hereinbefore declared to be liable to be sent to an industrial school; and the justices shall make full inquiry into all the facts of the case, and if satisfied, on the result of such inquiry that this Act applies to such child, and that it is expedient to deal with him under its provisions,† may, by writing under their hands and seals, order the child to be sent, for such period as they may think necessary for his education and training, to any certified industrial school, whether situate within their jurisdiction or not, the managers of which are willing to receive such child; subject to this qualification, that it shall be the duty of the justices to select, if possible, an industrial school conducted in accordance with the religious persuasion to which the parent of the child appears to them to belong:‡ provided also, that the justices shall

* The present statute materially enlarges the scope of these institutions. Under the previous Acts it was only when a child above the age of seven, and under fourteen, was taken into custody on a charge of vagrancy, that he could be sent to an industrial school, a class, comparatively speaking, rarely met with. Under the wide sweep now taken, a fair trial may be expected of the preventive, as opposed to the penal, system, with regard to the dangerous classes.

† That a full inquiry should be instituted by the justices into the facts of the case, and that they should be satisfied that the child is one to whom the Act is intended to apply, is manifestly proper; but the utility of making this application depends in each particular case upon whether the justices approve of the system of industrial schools generally, which seems to be the effect of the clause as worded, is not so clear. The former Act was more happily framed in this respect, and did not require the justices to be satisfied by the evidence that it was expedient for the child to be dealt with under the provisions of the Act, but gave them a general discretion to dispose of him in that manner, on the charge of vagrancy being proved.

‡ This provision is new. In the former Act facilities were given for the instruction of the inmates in the principles of their respective religious persuasions.

have power, while inquiry is being made respecting such child, or respecting a school to which he may be sent, to order him to be taken to the workhouse belonging to the parish in which such child has been found, and to be detained therein, at the cost of the union to which the parish belongs, for any time not exceeding seven days, or until an order be made, previous to the expiration thereof, for the discharge of such child, or his being sent to an industrial school, as hereinbefore provided, and such child shall be so detained accordingly: provided that the order of the justices sending the child to school shall specify the religious persuasion to which the child appears to the justices to belong, and it shall be lawful for minister of that religious persuasion to visit the child at the school on such days and at such times of the day as may from time to time be fixed by regulations to be made by the Secretary of State, for the purpose of instructing him in religion.

11. *Lodging child at school.*] The managers of any certified industrial school may, at their discretion, permit any child sent there in pursuance of this Act to sleep or lodge at the dwelling of his parent, or of any trustworthy and respectable person, so that they educate, feed, and clothe the child in all respects as if he were lodging in the school itself, and that they report to the Secretary of State, in such manner as he may require, every instance in which they exercise a discretion under this section.

12. *Settlement not acquired by stay at school.*] The time during which any child is lodged in any certified industrial school under this Act shall, for all the purposes of the Act of the session of the ninth and tenth years of her present Majesty, chapter sixty-six, and of every Act incorporated therewith, be excluded in the computation of the time therein mentioned.

13. *Power to make rules, &c.*] It shall be lawful for the managers of any certified industrial school to make all necessary rules, orders, and bye-laws for the regulation and management of the school under their charge, not repugnant to the provisions of this Act; but no such rules, orders, or bye-laws shall be enforced until they have been submitted to and approved by the Secretary of State.

14. *Limitation of stay at school.*] No child shall in pursuance of this Act be detained against his consent in any certified industrial school after he has attained the age of fifteen years.

15. *Discharge of child from school.*] The Secretary of State may from time to time, by writing under his hand, remove any child sent to an industrial school in pursuance of this Act from one certified industrial school to another, so that the whole period of the detention of such child at industrial schools be not thereby increased: he may also, in like manner, discharge any child from an industrial school, either absolutely or upon condition of the parent of such child or any near relation undertaking to educate, clothe, and feed him, or entering into such other undertaking as the Secretary of State may require.

16. *Power in certain cases to discharge child from school before expiration of period for which he has been sent there.*] On the application of the parent, or of the managers, or of the guardians who may be liable to make any repayment as aforesaid on account of any child, any justices of the county in which the school is situate, if satisfied that a suitable employment has been provided for the child, or that there is otherwise sufficient cause, may discharge the child from the school before the full expiration of the period for which he has been sent there.

Maintenance of children at school.

17. *Maintenance of child at school.*] The Commissioners of her Majesty's Treasury, upon the representation of the Secretary of State, may, out of monies provided by Parliament, contribute towards the maintenance of any children sent to school in pursuance of this Act, except such children as are sent to school, in pursuance of this Act, at the desire of their parents, and on their representation that they are unable to control them, at such rate per head as may be determined by him, or such portion of the cost as may not be recovered from the parent of the child in manner herein provided, or such other portion as the Secretary of State may recommend.

This provision is entirely new,—no pecuniary aid having been hitherto afforded to *industrial schools*, though it is other-

wise since 20 & 21 Vict. c. 55, with respect to *reformatory schools*; which may now be in part supported by a county or borough rate.

18. *Order for payment of maintenance.*] The justices by whom any child is sent to school in pursuance of this Act, or justices having jurisdiction within the district where the school is situate to which any child is sent in pursuance of this Act, or in which the parent of such child shall reside, upon an application made by any person appointed by the Secretary of State for that purpose, or by any agent of such person, shall have authority to make an order on the parent of such child for the payment, either at the time of the child being first sent to school, or at any time during his continuance at school, of the expenses of his maintenance at school to an amount not exceeding five shillings for every week during which the child remains at such school.

In the previous Act the extent of the weekly amount ordered was three shillings. The sum is now the same as in the case of a reformatory school under 20 & 21 Vict. c. 55, s. 10.

19. *Variation of order.*] The order made by the justices may specify the time during which the parent is to pay the sums thereby directed to be paid, or it may be indefinite, and until further order; and any justices of the peace having jurisdiction to make such order may from time to time vary the same whenever circumstances require it, on the application either of the parent or of any person appointed by the Secretary of State to receive the money, or by the agent of such person, on fourteen days' notice being first given of such application to such person or his agent, or to such parent, respectively.

Abscording from school.

20. *Penalty on child absconding.*] If any child, whether lodging in the school or elsewhere, before attaining the age of fifteen years, or before being duly discharged, wilfully absconds from the school to which he is sent in pursuance of this Act, or neglects to attend thereto, or wilfully refuses to conform to the regulations thereof, any justices having jurisdiction in the place in which the school is situate or in which the child is retaken may, by writing under their hands and seals, order him to be sent back to the school, and to be detained there until he attains the age of fifteen years, or for such shorter period as the justices think fit, or, instead of sending him back to such last-mentioned school, the justices may commit him, under the provisions of the Act of the session of the seventeenth and eighteenth years of Victoria, chapter eighty-six, to any reformatory school certified under the said Act.

21. *Penalty on inducing child to abscond.*] Any person who directly or indirectly withdraws a child from the certified industrial school to which he has been sent, previously to his attaining the age of fifteen years or to being duly discharged, or who induces or aids him to abscond, or who knowingly conceals or harbours him, or in any way prevents his return, shall for every such offence incur a penalty not exceeding five pounds, or shall be liable, at the discretion of the justices, to be imprisoned for any period not exceeding twenty days.

Recovery of Penalties.

22. *Mode of recovering penalties.*] Penalties may be recovered and payments may be enforced under this Act in manner provided by the Act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, and any Act amending the same.

Evidence.

23. *Evidence of school being certified.*] Whenever the Secretary of State grants a certificate to or withdraws it from any industrial school, in pursuance of this Act, he shall cause a notice of such grant or withdrawal to be published in the *London Gazette* within one calendar month, and such publication shall be sufficient evidence of the fact in all proceedings before justices and other courts.

24. *Evidence of order of justices.*] The order made by the justices sending any child to a certified industrial school shall be forwarded to the managers thereof, and shall be a sufficient warrant for the detention of the child.

25. *Evidence of certificate of school. Identity of child, and making of orders.*] Whenever it is necessary to prove that any industrial school is duly certified under this Act, the production of an attested copy of the certificate or of the notice pub-

lished in the *London Gazette* shall be sufficient evidence thereof; and the production of the order under which any child has been sent to or is detained in any certified industrial school under this Act, or a copy of such order, with a memorandum signed by one of the managers or their authorised secretary, or by the superintendent or master or matron of any such school, that the child named in such order was duly received into and is at the signing thereof detained in such school, or has been otherwise disposed of according to law, and the production of any order made under this Act, or a copy thereof, certified by the clerk to the justices making the same to be a correct copy, shall in all proceedings whatsoever be sufficient evidence of the due making and signing of all or any of such orders, memorandum, and certificate respectively, and of the sending, detention, and identity of the child or parent named in such orders respectively, without proof of the signatures of the justices or other persons appearing to have signed the same respectively.

Forms.

26. *Use of form in schedule.*] No summons, notice, or order made for the purpose of carrying into effect the provisions of this Act shall be invalidated for want of form only; and the form in the schedule to this Act annexed, or any form to the like effect, may be used in the case to which it refers, and when used shall be deemed sufficient.

Repeal of Acts.

27. *Repeal of Acts herein named.*] There shall be repealed the Acts hereinafter mentioned; that is to say,

1. An Act passed in the session holden in the twentieth and twenty-first years of her Majesty, chapter forty-eight, intituled "An Act to make better Provision for the Care and Education of Vagrant, Destitute, and Disorderly Children, and for the Extension of Industrial Schools:."
2. An Act passed in the session holden in the twenty-third and twenty-fourth years of her Majesty, chapter one hundred and eight, intituled "An Act to amend the Industrial Schools Act, 1857:."

Provided that such repeal shall not affect—

1. Any certificate given or anything duly done under any Act hereby repealed:
2. Any order made under any Act hereby repealed:
3. Any penalty, forfeiture, or other punishment incurred under any Act hereby repealed, or any remedy for recovering or enforcing the same.

28. *Application of Act to existing certified schools.*] This Act shall apply to all schools certified under the Acts hereby repealed or either of them, and to all children sent to any industrial school, under the Acts hereby repealed or either of them, in the same manner in all respects as if such certificate had been given or children been sent under the provisions of this Act, with this qualification, that no child shall be detained at any industrial school, in pursuance of any order made under the repealed Acts, for a longer period than he would have been detained if this Act had not passed.

29. *Duration of Act.*] This Act shall remain in force until the first day of January, one thousand eight hundred and sixty-four.

SCHEDULE.

FORM.

Order sending child to industrial school.
 To the constable of
 to wit, managers of the
 industrial school at

Whereas a certain child named *A.B.* was this day brought before us, her Majesty's justices of the peace for the in petty sessions assembled, under the provisions of the Industrial School Act, 1861; now therefore we, the said justices, being satisfied that the said Act applies to such child, and that it is expedient to deal with him [or her] under its provisions, order you the said constable in pursuance of the said Act to take the said child, and him [or her] safely convey to the certified industrial school at aforesaid, and there to deliver him [or her], together with this order; and we do hereby command you the said managers to receive the said child into your charge in the said school, and there to detain, educate, clothe, and feed him [or her] for the period of from the date hereof.

Given under our hands and seals, this day of at in the county aforesaid.
 [Signatures and seals of justices.]

CAP. CXIV.

An Act to amend the Law with respect to Wills of Personal Estate made by British Subjects.*

[6th August, 1861.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Wills made out of the kingdom to be admitted if made according to the law of the place where made.*] Every will and other testamentary instrument made out of the United Kingdom by a British subject (whatever may be the domicile of such person at the time of making the same or at the time of his or her death) shall as regards personal estate be held to be well executed for the purpose of being admitted in England and Ireland to probate, and in Scotland to confirmation, if the same be made according to the forms required either by the law of the place where the same was made or by the law of the place where such person was domiciled when the same was made, or by the laws then in force in that part of her Majesty's dominions where he had his domicile of origin.

2. *Wills made in the kingdom to be admitted if made according to local usage.*] Every will and other testamentary instrument made within the United Kingdom by any British subject (whatever may be the domicile of such person at the time of making the same or at the time of his or her death) shall as regards personal estate be held to be well executed, and shall be admitted in England and Ireland to probate, and in Scotland to confirmation, if the same be executed according to the forms required by the laws for the time being in force in that part of the United Kingdom where the same is made.

3. *Change of domicile not to invalidate will.*] No will or other testamentary instrument shall be held to be revoked or to have become invalid, nor shall the construction thereof be altered, by reason of any subsequent change of domicile of the person making the same.

4. *Nothing in this Act to invalidate wills otherwise made.*] Nothing in this Act contained shall invalidate any will or other testamentary instrument as regards personal estate which would have been valid if this Act had not been passed, except as such will or other testamentary instrument may be revoked or altered by any subsequent will or testamentary instrument made valid by this Act.

5. *Extent of Act.*] This Act shall extend only to wills and other testamentary instruments made by persons who die after the passing of this Act.

CAP. CXV.

An Act for the Government of the Navy.

[6th August, 1861.]

CAP. CXVI.

An Act for the Appropriation in favour of the Military Knights and the Churches of Windsor of Two of the Canonries suspended in the Chapel of Windsor, and for making certain Provisions respecting the Naval Knights of Windsor.

[6th August, 1861.]

CAP. CXVII.

An Act to place the Employment of Women, young Persons, Youths, and Children in Lace Factories under the Regulation of the Factories Acts.

[6th August, 1861.]

CAP. CXVIII.

An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India.

[6th August, 1861.]

CAP. CXIX.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allow-

ances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons' Mates of the Militia; and to authorise the Employment of the Non-commissioned Officers.

[6th August, 1861.]

CAP. CXX.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

[6th August, 1861.]

CAP. CXXI.

An Act to amend the Law in relation to the Wills and Domicile of British Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions.*

[6th August, 1861.]

WHEREAS by reason of the present law of domicile the wills of British subjects dying whilst resident abroad are often defeated, and their personal property administered in a manner contrary to their expectations and belief; and it is desirable to amend such law, but the same cannot be effectually done without the consent and concurrence of foreign states: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same as follows:

1. *No British subject dying in a foreign country to be deemed to have acquired a domicile unless resident there for one year immediately preceding his or her death, &c., and for all purposes of testate or intestate succession shall retain the domicile possessed at the time of going to reside in such foreign country.*] Whenever her Majesty shall by convention with any foreign state agree that provisions to the effect of the enactments herein contained shall be applicable to the subjects of her Majesty and of such foreign state respectively, it shall be lawful for her Majesty by any order in council to direct, and it is hereby enacted, that from and after the publication of such order in the *London Gazette* no British subject resident at the time of his or her death in the foreign country named in such order shall be deemed under any circumstances to have acquired a domicile in such country unless such British subject shall have been resident in such country for one year immediately preceding his or her decease, and shall also have made and deposited in a public office of such foreign country (such office to be named in the order in council) a declaration in writing of his or her intention to become domiciled in such foreign country; and every British subject dying resident in such foreign country, but without having so resided and made such declaration as aforesaid, shall be deemed for all purposes of testate or intestate succession as to moveables to retain the domicile he or she possessed at the time of his or her going to reside in such foreign country as aforesaid.

2. *No foreign subject, dying in Great Britain or Ireland to be deemed to have acquired a domicile unless resident therein for one year immediately preceding his or her death, &c.*] After any such convention as aforesaid shall have been entered into by her Majesty with any foreign state it shall be lawful for her Majesty by order in council to direct, and from and after the publication of such order in the *London Gazette* it shall be and is hereby enacted, that no subject of any such foreign country who at the time of his or her death shall be resident in any part of Great Britain or Ireland shall be deemed under any circumstances to have acquired a domicile therein, unless such foreign subject shall have been resident within Great Britain or Ireland for one year immediately preceding his or her decease, and shall also have signed, and deposited with her Majesty's Secretary of State for the Home Department, a declaration in writing of his or her desire to become and be domiciled in England, Scotland, or Ireland, and that the law of the place of such domicile shall regulate his or her moveable succession.

3. *Who this Act shall not apply to.*] This Act shall not apply to any foreigners who may have obtained letters of naturalization in any part of her Majesty's dominions.

* As to this Act see the *Solicitors' Journal* for the present year, pp. 467, 680.

* As to this Act see the *Solicitors' Journal* for the present year, p. 681.

4. *When subjects of foreign states shall die in her Majesty's dominions, and there shall be no persons to administer to their estates, the consuls of such foreign states may administer.]* Whenever a convention shall be made between her Majesty and any foreign state, whereby her Majesty's consuls or vice-consuls in such foreign state shall receive the same or the like powers and authorities as are hereinbefore expressed, it shall be lawful for her Majesty by order in council to direct, and from and after the publication of such order in the *London Gazette* it shall be and is hereby enacted, that whenever any subject of such foreign state shall die within the dominions of her Majesty, and there shall be no person present at the time of such death who shall be rightfully entitled to administer to the estate of such deceased person, it shall be lawful for the consul, vice-consul, or consular agent of such foreign state within that part of her Majesty's dominions where such foreign subject shall die, to take possession and have the custody of the personal property of the deceased, and to apply the same in payment of his or her debts and funeral expenses, and to retain the surplus for the benefit of the persons entitled thereto; but such consul, vice-consul, or consular agent shall immediately apply for and shall be entitled to obtain from the proper court letters of administration of the effects of such deceased person, limited in such manner and for such time as to such court shall seem fit.

CAP. CXXII.

An Act to continue the Corrupt Practices Prevention Act (1854). [6th August, 1861.]

CAP. CXXIII.

An Act to reduce and alter the Rate of Duty payable on Proceedings under the Statute of the Twenty-first and Twenty-second Years of Victoria, Chapter Seventy-two, Section Eighty-eight; and for other Purposes. [6th August, 1861.]

CAP. CXXIV.

An Act for amending the Law relating to the Receiver for the Metropolitan Police District; and for other Purposes. [6th August, 1861.]

CAP. CXXV.

An Act to enable Overseers in populous Parishes to provide Offices for the proper Discharge of Parochial Business. [6th August, 1861.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Power to overseers and vestries, with consent of poor law board, to purchase offices for use of parish.]* The overseers of any parish in England the population whereof shall exceed four thousand persons according to the census for the time being, with the consent of the vestry, called after due notices, and with the consent of the Poor Law Board, signified by an order under their seal, may hire any room, or purchase or take upon lease or exchange any land or building, or sell land belonging to such parish, and invest the proceeds of such sale in the purchase of other land and building, or erect a suitable building on any land acquired as aforesaid, for the purpose of an office for the transaction of the business of the parish.

And the Lands Clauses Consolidation Act, 1845 (except the parts and enactments of that Act with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the recovery of forfeitures, penalties, and costs), shall in so far as the same is consistent with this Act, be incorporated with this Act.

And for the purposes of this Act the expressions "the promoters of the undertaking," or "the secretary," whenever used in that Act, shall respectively mean the overseers as aforesaid; and the expression "tolls or rates," whenever used in the said first-mentioned Act, shall mean monies to be raised for the relief of the poor; and all lands and premises which shall be so purchased or taken on lease or exchange by the overseers of any parish shall be conveyed, demised, and assured to such overseers and their successors, in trust for the purposes aforesaid; and the yearly rent reserved by any lease shall be chargeable upon and paid out of the monies to be raised for the relief of the poor of any such parish, and shall be paid by the over-

seers as aforesaid of such parish as such rent becomes payable; and if at any time any such rent be not paid within thirty days after it so becomes payable, and after demand thereof in writing, the person to whom any such rent shall be payable may either recover the same from the overseers as aforesaid, with costs of suit, by action of debt in any court of appropriate jurisdiction, or may levy the same by distress of the goods and chattels of any of the overseers as aforesaid; and such overseers may provide the requisite furniture and fittings of such room or such building, and appoint and pay out of the poor rate such persons to take care thereof, or of any vestry room provided under the authority of the fifty-seventh chapter of the statute of the thirteenth and fourteenth years of the reign of her Majesty, and to aid in the ordinary business of the parish, as the vestry shall authorise and the poor law board shall approve; and every such building and vestry room shall be warmed and lighted, and with its furniture shall be kept in good condition and repair, at the cost of the poor-rate.

2. *The overseers may provide depositories for parish documents.]* The overseers of any parish may, with the consent of the vestry, provide proper depositories of all the documents, books, and papers belonging to such parish for which no provision is otherwise made by law, and charge the cost thereof upon the poor rate.

3. *Interpretation of terms.]* The words used in this Act shall be construed in the like manner as in the Act of the fourth and fifth years of King William the Fourth, chapter seventy-six.

CAP. CXXVI.

An Act to exempt the Volunteer Forces of Great Britain from the Payment of Tolls. [6th August 1861.]

3 Geo. 4, c. 126; 4 Geo. 4, c. 49.] WHEREAS doubts have arisen how far the exemption from tolls granted to officers and soldiers by the Acts severally passed in the third and fourth years of the late King George the Fourth, for the general regulation of turnpike roads in England and Scotland respectively, and by the several Acts heretofore passed for punishing mutiny and desertion, and for better payment of the army and their quarters, may be extended to officers and soldiers serving in volunteer corps; and whereas it is expedient that such doubts should be removed, and the exemption of volunteers from tolls should be more fully defined: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Horses and carriages, &c. of volunteers exempted.]* No dues, duties, pontage, or toll from which officers and soldiers on their march or duty, or the horses of any officer or soldier on march or on duty, are exempted by the provisions of the recited or any other Acts, shall be demanded or taken at any pier, wharf, quay, or landing place, or at any turnpike or other gate, bar, or bridge, for any volunteer officer or soldier, or for any horse or other beast used or ridden by any volunteer officer or soldier on his march or on duty, or going to or returning from any place appointed for and on the days for exercise, inspection, or review, or on other public duty, such volunteer officer or soldier being in the uniform of his corps, or for any cart, waggon, or carriage whatsoever, whether public or private, or for any horse or other beast drawing the same, employed only in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, any such volunteer officer or soldier on his march or on duty, or going to or returning from any place appointed for and on the days for exercise, inspection, or review, or other public duty, and being in the uniform of his corps, or the arms or baggage of any such volunteer officer or soldier, or any ordnance or barrack or commissariat stores belonging to or for the use of her Majesty's volunteer forces; provided that nothing herein contained shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses or other beasts, carts, waggons, carriages, arms, baggage, or stores along any canal from payment of tolls in like manner as other boats, barges, or vessels are liable thereto, or prevent toll being taken for conveying the said persons, horses or other beasts, carts, waggons, or carriages, arms, baggage, or stores, upon any railway.

2. *Penalty for demanding tolls from volunteers, &c.]* Any toll collector or other person who shall take, demand, or receive any dues, duties, pontage, or toll for or in respect of any

volunteer officer or soldier, horse or other beast, carriage, waggon, or cart, entitled to exemption under this Act, shall forfeit and pay for every offence a sum not exceeding five pounds.

3. *Penalty for personating volunteers, &c.*] Any person who shall falsely and fraudulently personate or represent himself to be a volunteer officer or soldier with the intent to evade payment of any dues, duties, portage, or toll to which he would otherwise be liable, shall forfeit and pay for every offence a sum not exceeding five pounds.

4. *Recovery and application of penalties.*] All penalties, forfeitures, and fines by this Act inflicted or authorised to be imposed shall be levied and recovered and applied in England and Scotland respectively in manner severally directed by the said recited Acts, or any Act or Acts respectively amending the same for the time being in force.

5. *Extent of Act.*] This Act shall not extend to Ireland.

CAP. CXXVII.

An Act for limiting and regulating the Treasury Chest Fund. [6th August, 1861.]

CAP. CXXVIII.

An Act to confirm certain Provisional Orders under the Local Government Act (1856), relating to the Districts of Plymouth, Weston-super-Mare, Llanelly, and Llandilo; and for other Purposes in relation thereto. [6th August, 1861.]

CAP. CXXIX.

An Act to enable Her Majesty to accept the Services of Officers of the Merchant Service as Officers of Reserve to the Royal Navy. [6th August, 1861.]

CAP. CXXX.

An Act for amending an Act passed in the last Session of Parliament to amend the law concerning the making, keeping, and carriage of Gunpowder and Compositions of an explosive nature, and concerning the Manufacture, Sale, and use of Fireworks. [6th August, 1861.]

Act of the twenty-third and twenty-fourth years of the reign of her present Majesty, chapter one hundred and thirty-nine.

4. *Section 18 of recited Act to apply to manufacturers of safety fuses.*] And whereas it is necessary for the manufacturers of safety fuses to have and keep for the purpose of such manufacture large quantities of gunpowder: be it enacted, that such manufacturers shall be within and subject to all the provisions of the eighteenth section of the said recited Act, in like manner as the manufacturers of cartridges, fireworks, and rockets; and further, that it shall be lawful for such manufacturers of safety fuses to keep exclusively for the use of such manufacture the respective quantities of gunpowder mentioned in the nineteenth section of the said Act, in like manner as the same may be kept for the use of any mine, quarry, or colliery, but subject to all the restrictions and conditions mentioned and provided in the said section.

CAP. CXXXI.

An Act to continue the Act concerning the Management of Episcopal and Capitular Estates in England, and further to amend certain Acts relating to the Ecclesiastical Commissioners for England.

[6th August, 1861.]

CAP. CXXXII.

An Act for consolidating and amending the Law relating to Industrial Schools in Scotland. [6th August, 1861.]

CAP. CXXXIII.

An Act to amend the Law relating to the Drainage of Land for Agricultural Purposes. [6th August, 1861.]

CAP. CXXXIV.

An Act to amend the Law relating to Bankruptcy and Insolvency in England. [6th August, 1861.]

WHEREAS it is expedient to amend the laws relating to bankruptcy and insolvency in England: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament Assembled, and by the authority of the same, as follows:

As to the Court of Bankruptcy and the Commissioners thereof, their powers and jurisdiction:

1. *As to the powers and jurisdiction of the Court of Bankruptcy.*] The Court of Bankruptcy shall have and exercise, for the purposes of this Act, all the powers and authorities of the superior courts of law and equity, and all the jurisdiction, powers, and authorities now possessed by the Court for the relief of insolvent debtors in England.

2. *Present and future Commissioners of the Court in London.*] The present Commissioners of the Court of Bankruptcy shall continue to be Commissioners of the Court. Upon any vacancy in the office of Commissioner of the Court of Bankruptcy in London, such vacancy shall not be filled up until the number of Commissioners of the Court of Bankruptcy in London shall, by reason of such vacancy, be reduced to less than three, whereupon it shall be lawful for her Majesty, by commission under the Great Seal of the United Kingdom, to appoint a person, being a serjeant-at-law, or barrister-at-law, of not less than twelve years standing at the bar in England, to fill such vacancy.

3. *Jurisdiction of County Courts under this Act.*] The judge of every county court (except of the metropolitan county courts) shall have and exercise within his respective district the like jurisdiction, powers, and authorities, and perform the same duties for and in respect of all matters and things coming before such county court by virtue of this Act, as are vested in the commissioners of the district courts of bankruptcy.

4. *Power to transfer jurisdiction, &c., of commissioners to county courts in case of vacancies.*] If upon any vacancy in the office of commissioner of any county district court there shall no longer be a commissioner for such district, her Majesty shall have power, by order in council, to transfer all the jurisdiction, powers, and authorities, held by the commissioner to the judges of the county courts, or any of them, exercising jurisdiction within such district or any part thereof, and the Lord Chancellor shall have power and authority, by order, from time to time to provide in all respects for the exercise of

23 & 24 Vict. c. 139.] WHEREAS by an Act passed in the session holden in the twenty-third and twenty-fourth years of the reign of her present Majesty, chapter one hundred and thirty-nine, intituled, an Act to amend the law concerning the making, keeping, and carriage of Gunpowder and Compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks, there are vested in the justices of the peace in general quarter sessions assembled certain powers of licensing places for making and keeping gunpowder, percussion caps, ammunition, and other explosive substances, and for granting licences to persons to sell fireworks: and whereas it is expedient that all powers of licensing by the said Act given to the justices in quarter sessions should be transferred to the justices in petty sessions assembled: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Transfer of licensing powers.*] All powers of granting licences by the said Act given to justices of the peace at their general quarter sessions shall be transferred to and vested in the justices in petty sessions assembled, and the justices shall hold special petty sessions of the peace in their several divisions for granting such licences at such times as they think expedient; and all powers thereby transferred shall be exercised by the justices in petty sessions assembled within their respective divisions in the same manner in which the same are by the said Act required to be exercised by the justices at their general quarter sessions, or as near thereto as circumstances will admit.

1. *Table of fees.*] The justices in each petty sessional division may, with the sanction of one of her Majesty's principal secretaries of state, regulate the mode in which applications for licences under this Act are to be made, and make a scale of fees to be charged in respect of such licences.

3. *Construction of Act.*] This Act, so far as is consistent with the tenor thereof, shall be construed as one with the said

jurisdiction in bankruptcy by such county court judges or judge, and for the continuance of the exercise of their respective duties in the whole or any part of the district by the official assignees, registrar, and other officers attached to the Court of the Commissioner making such vacancy.

5. *Power to create additional county courts, and to invest the judges thereof with jurisdiction in bankruptcy, and to make new arrangement of districts.]* In case it shall on any occasion appear to her Majesty in council to be expedient to establish an additional county court or courts within any one or more of the country districts, and to invest the judge or judges thereof with the jurisdiction, powers and authorities of a commissioner in bankruptcy within the district or districts that may be assigned to such court or courts, it shall be lawful for her Majesty, by order in council, so to do, and also to make a new arrangement of the districts of the bankruptcy and county courts respectively, so as to assign a convenient district or districts to such new court or courts, and to give from time to time all necessary directions for the establishment thereof, and such order shall be laid before Parliament, and shall not come into operation until three months afterwards.

6. *Appointments, qualifications and jurisdiction of judges of such courts.]* The judge of any such new court shall be appointed by the Lord Chancellor, and shall be either a sergeant-at-law or a barrister-at-law, who shall be of seven years standing at the bar in England or who shall have practised as a barrister and special pleader for at least seven years; and every such judge, in addition to the jurisdiction of a county court judge, shall have and exercise within the district assigned to him all the jurisdiction, powers, and authorities of the commissioners of the country district courts of bankruptcy.

7. *Oath to be taken by county court judges before acting in bankruptcy.]* Every judge of a county court shall, before acting in bankruptcy, take at any quarter sessions the following oath:

"I A. B. do solemnly and sincerely promise and swear, that I will duly and faithfully, and to the best of my skill and power, execute the office of county court judge acting in bankruptcy.
So help me God."

And such oath shall be recorded in the Court of the judge taking the same.

As to the officers of the court:

8. *Chief Registrar, &c., to hold office during good behaviour, and vacancies to be filled up by Lord Chancellor.]* The persons now discharging the duties of chief registrar, registrars, taxing master, and official assignees of the Court of Bankruptcy in London, and in the several district courts of bankruptcy, shall retain and hold office during good behaviour, subject to dismissal by the Lord Chancellor, by order, for some sufficient reason to be set forth in such order. Upon any vacancy in the office of registrar, such vacancy shall be filled up by the Lord Chancellor.

9. *Power to appoint additional registrars.]* If the Lord Chancellor shall at any time, by order, declare that, having regard to the state of the business of the Court of Bankruptcy and the duties of the registrars, he is of opinion that additional registrars ought to be appointed, either in London or in any country district, it shall be lawful for the Lord Chancellor to appoint such additional registrars.

10. *As to duties of county court registrars.]* The registrars of the several county courts exercising jurisdiction under this Act shall discharge the duties of registrar and official assignee in all matters under this Act within their several districts in such manner, and shall give such security in respect of such office of official assignee, and shall receive such remuneration in respect of such services, as general orders shall direct; and all the enactments herein contained with respect to official assignees shall apply to the registrars of the county courts as to all matters under this Act prosecuted therein.

11. *As to duties of High Bailiffs of county courts.]* The High Bailiffs of the several county courts exercising jurisdiction under this Act shall discharge the duties of messenger in all matters of bankruptcy within their several districts in such manner, and shall give such security in respect of such duties, and shall receive such remuneration in respect of such services, as general orders shall direct.

12. *Abolition of office of Accountant in Bankruptcy upon the first vacancy.]* Upon the first vacancy in the office of Accountant in Bankruptcy the office shall be abolished, and the

duties thereof shall thereafter be discharged by the Chief Registrar, and the several funds standing in the books of the Bank of England to the credit of such accountant shall be transferred to such account or accounts in the name of the Chief Registrar, and in such manner, as general orders shall direct.

13. *Taxing master.]* All bills of costs, charges, fees, and disbursements of solicitors and attorneys in matters under this Act before the Court of Appeal in Chancery sitting in Bankruptcy and the Court in London, and such taxable bills as may be specially referred to the master by any district court or any county court, shall be taxed by the master, subject to the review of the Court in London.

14. *Registrar in country districts to be Taxing officers.]* In every country district court, and in every county court exercising jurisdiction under this Act, all bills of costs, charges, fees, and disbursements aforesaid shall (unless where such court shall otherwise direct) be taxed and settled by the registrar of such court, subject to appeal to the Court of which he is registrar. It shall be lawful for the Commissioner of any district court, or judge of any county court, to refer any such bills, or any question thereon, to the taxing master in London.

15. *As to the settlement of charges of auctioneers, appraisers, valuers, and accountants.]* All charges, fees, and disbursements of any auctioneer, appraiser, broker, valuer, or accountant, or any other person, not being an attorney or solicitor, in any matter under this Act or any other Act in force relating to bankrupts, shall be settled by the master, except such charges, fees, or disbursements as shall be incurred in any district court or county court, and in such cases shall be settled by the registrars of the Court in which they arise, in such manner as general orders shall direct, and subject to the review of the Court; and the amount of the bills so settled, and no more, shall be recoverable.

16. *Reduction in the number of official assignees.]* Upon any vacancy in the office of official assignee of the Court in London the same shall not be filled up unless the number of official assignees in the London district shall by reason of such vacancy be reduced to less than five. Any vacancy in the office of official assignee in a country district shall not be filled up if there be another official assignee within such district.

17. *Messengers.]* The persons now discharging the duty of messenger in the Court of Bankruptcy in London, and in the several district courts of bankruptcy in the country, shall continue to act as such messengers, in such manner, and subject to such regulations, and shall give such security, as general orders shall direct, and shall be subject to dismissal by the Lord Chancellor by order, for some sufficient reason to be set forth in such order. Upon any vacancy in the said office, such office shall not be filled up until the number of messengers in the Court in London shall have been reduced to two, and in any district court of bankruptcy in the country to one. Any vacancy thereafter occurring may, if necessary, be filled up by the Lord Chancellor by the appointment of some fit person.

As to filling up vacancies:

18. *Vacancies need not be filled up.]* Upon any future vacancy in the office of commissioner or registrar (other than of Chief Registrar), or in any other office in the Court of Bankruptcy, the Lord Chancellor may, if, having regard to the then state of the business of the Court, he shall so think fit, by order declare that such vacancy shall not be filled up until further order, and thereupon the same shall not be filled up, unless and until the Lord Chancellor shall by order declare that, having regard to the then state of business of the Court, he is of opinion that such vacancy ought to be then filled up, and thereupon the same may be filled up as if such first-mentioned order had not been made.

As to the Court for the Relief of Insolvent Debtors in England:

19. *Commissioners of Insolvent Debtors Court released.]* The jurisdiction, authorities, and functions of the Chief Commissioner and Commissioner of the Court for Relief of Insolvent Debtors in England shall cease and be discontinued, and the said Chief Commissioner and Commissioner shall be released from their duties as such, subject nevertheless to the obligation of performing such duties and services as are herein-after provided.

20. *Insolvent Jurisdiction of county courts discontinued.*] The jurisdiction of the county courts in the relief of insolvent debtors shall cease; provided that all matters of insolvency pending at the commencement of this Act in any of the said courts shall proceed and be completed therein as if this Act had not been passed.

21. *As to provisional assignees.*] The person now exercising the office of provisional assignee of the Court for the Relief of Insolvent Debtors in England shall be an official assignee of the Court of Bankruptcy, and shall act as such official assignee in the Court in London, and shall hold office during good behaviour, subject to dismissal by the Lord Chancellor by order, for some sufficient reason to be set forth in such order, and he shall perform the same duties, and receive the same salary, remuneration, and allowances, as the other official assignees.

22. *As to duties of other officers of the Insolvent Debtors Court. Nothing to deprive officers of superannuation allowances. under 4 & 5 Will. 4, c. 24, and 5 & 6 Will. 4, c. 42.*] The persons now discharging the duties of chief clerk, clerks, and taxing officer of the Court for the Relief of Insolvent Debtors in England shall be transferred to, and shall act in such manner as general orders shall direct, in the London court. They shall hold office during good behaviour, subject to dismissal by the Lord Chancellor by order, for some sufficient reason to be set forth in such order. No vacancy in such offices shall be filled up. Provided that nothing herein contained shall be deemed to deprive any person now holding office in the Insolvent Debtors Court of any benefit to which he may now be or may hereafter become entitled by virtue of the Acts passed in the fourth and fifth years of King William the Fourth, chapter twenty-four, and the fifth and sixth years of King William the Fourth, chapter forty-two, relative to superannuation allowances; and service by any such persons in the Court of Bankruptcy shall for the purpose of the said Acts be deemed to be equivalent to service in the Insolvent Debtors Court.

23. *Chief Clerk of Court to make returns of pending business to Lord Chancellor.*] The Chief Clerk of the Court for the Relief of Insolvent Debtors in England shall, on such day before the time appointed for the commencement of this Act as the Lord Chancellor shall direct, make a return to the Lord Chancellor of all business then pending or remaining incomplete in such Court; and the Lord Chancellor may, if he shall think fit, direct such unfinished matters to be proceeded with and completed before and by the commissioners of such Court, who for such purposes shall retain and exercise all the jurisdiction, powers, and authorities now possessed by them respectively.

24. *Power of courts to proceed summarily in winding up matters depending.*] For the purpose of winding up as expeditiously and conveniently as may be all petitions, matters, and things which shall have been presented to or be depending in the said Court for the Relief of Insolvent Debtors, or any of the county courts, by virtue of any Act for the relief of insolvent debtors, it shall be lawful for the commissioners or judges of such courts respectively, at any time after the passing of this Act, to summon, as they shall deem fit, all or any of the parties to such petitions, matters, or things, or their solicitors, and thereupon to give such directions and make such orders as may be necessary for the purpose of settling and winding up the same, and to proceed for the purposes aforesaid in the absence of the parties or solicitors neglecting or refusing to attend such summons.

25. *Recognisances of sureties entered into under 1 & 2 Vict. c. 110, for enforcing attendance of insolvents, extended.*] Every recognisance which may at the time of the passing of this Act have been entered into by any person as surety to the provisional assignee of the Court for the Relief of Insolvent Debtors, with condition that the insolvent therein mentioned shall duly appear at the time and place therein mentioned, shall extend to bind the person who may have entered into the same, in case the insolvent debtor therein mentioned shall not at the time appointed in such recognisance duly appear before the Court by which the petition or matter of such insolvent is heard in pursuance of this Act, and on every adjourned hearing, or shall not abide by the final judgment of such Court.

26. *Insolvency fund.*] All monies and Government securities which shall at the commencement of this Act stand in the Bank of England to the credit of the account of the commis-

sioners of the Court for the Relief of Insolvent Debtors in England, shall be carried by the Bank of England, in such manner as general orders shall direct, to the account of the Accountant in Bankruptcy; and, subject to the orders of the Court for the payment thereof out of any dividend, or for the distribution of any part thereof, in the matter to which the same originally belonged, shall be applicable in like manner as at present, or in such manner as the Lord Chancellor shall by order direct, towards defraying the salaries of the clerks and other persons hereby transferred from the Insolvent Debtors Court to the Court of Bankruptcy, and towards defraying the expenses of and incidental to the discharge of pauper prisoners herein-after provided, and also for indemnifying the Provisional Assignee of the Insolvent Debtors Court against all costs and expenses incurred or to be incurred by him in any suit, action, or other proceeding.

27. *Records of Court of Insolvency.*] The records and proceedings of every kind in the Insolvent Debtors Court shall be records and proceedings of the Court of Bankruptcy, and shall be kept in such manner as they now are, subject to alteration by any general orders.

As to salaries:

28. *Chief Commissioner's salary continued.*] The Chief Commissioner of the Court for the Relief of Insolvent Debtors shall continue entitled, subject as herein provided, to receive during his life the full amount of his salary as such Chief Commissioner, payable out of the same fund, on the same days and in the same manner in all respects as if this present Act, had not passed.

29. *Salaries of officers of the Court of Bankruptcy.*] There shall be paid to the registrars and other officers of the Court the several salaries set opposite to their respective tithes in schedule (A.) to this Act annexed, and such salaries shall be payable out of the chief registrar's account, and shall be paid quarterly, free and clear from all taxes and deductions whatsoever, except the tax on income, on the eleventh day of January, the eleventh day of April, the eleventh day of July, and the eleventh day of October in every year, by equal portions; and when any person for the time being holding any of said offices shall die, resign, or be removed from the same, the executor or administrator of the person so dying, or the person so resigning or being removed, shall be entitled to receive such proportionate part of his salary as shall have accrued during the time that such person shall have executed his office since the last payment.

30. *Salaries to present officers of Insolvent Debtors Court.*] The chief clerk, clerks, taxing officer, and other officers of the Court for the Relief of Insolvent Debtors in England shall, upon being in manner herein provided transferred to the Court of Bankruptcy severally continue to receive the full amount of the salary, remuneration, allowances and compensations, which they now respectively receive, as nearly as may be out of the same funds and payable in the same manner in all respects as if this Act had not been passed; and for such purpose the annual sums now payable out of monies voted by Parliament for the use and purposes of the Court for the Relief of Insolvent Debtors and the officers thereof shall be paid in future into the Bank of England, to the credit of the chief registrar's account in bankruptcy.

31. *Fees to be taken by official assignees. Salaries of official assignees.*] The fees to be taken by official assignees in respect of the duties performed by them shall be defined by general orders. Each official assignee shall make a return half-yearly to the Chief Registrar, in such manner as general orders shall direct, of the amount of fees received by him during the six months preceding the date of such return. Each of the present official assignees in the London district shall receive an annual salary of twelve hundred pounds. Each of the present official assignees in the country districts shall receive an annual salary of one thousand pounds. Every future official assignee in the London district shall receive an annual salary of one thousand pounds. And every future official assignee in the country districts shall receive an annual salary of eight thousand pounds. All such salaries shall be paid quarterly out of the monies standing to the Chief Registrar's Account, and shall be exclusive of such proper remuneration actually paid to necessary clerks, and of such reasonable office expenses as shall respectively be allowed by the Court. The official assignees shall not be entitled to any further remuneration in respect of any duties performed by them.

32. *Remuneration of messengers. Surplus fees to be paid over.*] The messengers shall receive such remuneration by way

of fees as General Orders shall direct and allow; provided that the total net annual remuneration to be received by any messenger in the London district shall amount to but not exceed the sum of five hundred pounds, and of any messenger in the country districts the sum of four hundred pounds. Any surplus of such fees upon the aggregate of the receipts of each year, after deducting the aforesaid salaries, and reasonable payments by the messengers for assistance, to be allowed by the Court, shall be paid over by the several messengers in such manner and at such times as General Orders shall direct, to the credit of the chief registrar's account.

As to retiring annuities, compensations, and incidental expenses:

33. *Retiring pensions to officers.*] The Lord Chancellor may, on a petition presented to him for that purpose, order that an annuity be paid to any commissioner or registrar, or to the accountant in bankruptcy, or taxing master, or other officer of the Court of Bankruptcy, not exceeding two thirds of his salary, to be paid out of the chief registrar's account, when such person shall have served in such office for the full period of twenty years, and shall be above sixty-five years of age, or shall have been appointed to such office in or previous to the year one thousand eight hundred and thirty-two, and shall be desirous of retiring, or if such person shall, before the period of twenty years service is completed, be afflicted with any permanent infirmity disabling him from the due execution of his office. The time during which such person shall have held office in the Court for Relief of Insolvent Debtors shall be reckoned as part of such service of twenty years.

34. *Provision as to annuitants accepting other public offices.*] If any person to whom an annuity shall be granted under this Act shall be appointed to and accept any public office of an annual value less than the amount of such annuity, such person, during the time he may continue in such office, shall be entitled to receive only so much of his annuity as shall, together with the salary of such new office, be equal to such annuity. If the salary attached to such public office shall equal or exceed in amount such annuity, then during the time of his continuance in such office such annuity shall altogether cease.

35. *Compensations.*] The compensations now payable to the following holders of abolished offices,—

Pattee of Bankrupts,

The former Commissioners of Bankrupt.

The Clerk of the Hanaper and other officers of the Lord Chancellor and the Court of Chancery,

and the retiring annuities now respectively payable out of the funds standing to the credit of the Chief Registrar's account, shall continue to be paid out of the same funds; but the annual amount of the said compensations and retiring annuities shall be paid into the Bank of England to the credit of the Chief Registrar's account, by the Commissioners of the Treasury, out of monies to be from year to year voted for that purpose by Parliament.

36. *Incidental expenses.*] The funds standing to the account instituted the Chief Registrar's account shall be subject to all such orders as have been heretofore duly made, or as shall from time to time be made by the Lord Chancellor for payments thereout in respect of the salaries of clerks and other persons employed in the various offices of the several Courts of Bankruptcy, and for stationery, coals, and candles for the use of the same, and for rent and repairs of the buildings, and in respect of all expenses incidental to carrying this Act into effect; and all accounts for such expenses shall be audited and allowed by the Commissioners of the Court in which they have been incurred before any order for payment shall be made.

As to fees and stamps:

37. *Court fee abolished.*] The Court fee heretofore payable in respect of public and private sittings in Bankruptcy is abolished.

38. *Per-cent upon estates abolished.*] The per-cent heretofore payable by the fifty-fourth section of "The Bankrupt Law Consolidation Act, 1849," to the Chief Registrar's account, on the gross produce of estates in the Court of Bankruptcy, is abolished.

39. *General orders to direct what fees to be paid. Fees to be received in stamps.*] General Orders may from time to time direct what fees, other than those herein directed, shall be paid, in respect of any matters of Bankruptcy or proceedings under this Act: provided that all fees shall be received and taken by

means of stamps having the word "Bankruptcy" impressed or affixed theron, in manner hereinafter provided.

40. *Fees may be altered by General Order.*] The fees by this Act made payable, or any of them, may from time to time be varied or abolished by General Orders; and other fees, but not of an amount higher than that by this Act prescribed, may be fixed and imposed by such orders; and the provisions of this Act respecting stamps are hereby extended and applied to such stamps as may be required by General Orders.

41. *Certain documents to be on stamped vellum, &c., in lieu of fees.*] Every document enumerated in the schedule (B.) to this Act annexed shall, in lieu of all fees thereupon, be printed or written upon vellum, parchment, or paper bearing the stamp duty set opposite to such documents respectively in such schedule, and having the word "bankruptcy" impressed on every such stamp: provided that the Commissioners of Inland Revenue, besides such impressed documents denoting fees, shall provide like stamps on adhesive paper; and all stamp duties and fees directed to be paid under this Act may be paid by means of such stamps on adhesive paper affixed to documents requiring a stamp duty: where any such document shall consist of more than one sheet, only the first sheet thereof shall have such stamp impressed or affixed theron.

42. *Documents not to be received without a stamp. Proviso where so received through mistake.*] No document which by this Act or by any General Order is or shall be required to have a stamp impressed thereon shall be received or filed to be used in relation to any proceeding in the courts, or be of any validity for any purpose whatever, unless or until the same shall have the proper stamp impressed or affixed theron: provided always, that if at any time it shall appear that any document which ought to have had such stamp has, through mistake or inadvertence, been received or filed or used without having such stamp, the Court may order that such stamp shall be impressed or affixed theron; and when a stamp shall have been so impressed or affixed on such document, such document, and every proceeding in reference thereto, shall be as valid and effectual as if such stamp had been impressed or affixed theron in the first instance: provided also that nothing herein contained shall affect the provisions contained in the twenty-seventh section of the Act of the session of Parliament of the seventeenth and eighteenth years of the reign of her present Majesty, chapter eighty-three, or the provisions of "The Common Law Procedure Act, 1854," and that every stamp on adhesive paper affixed to a document shall be deemed a stamp impressed theron.

43. *Officers, &c., taking fees improperly.*] If any judge, commissioner, registrar, accountant, master, official assignee, clerk, or any other officer of the courts of bankruptcy, or of any county court acting in matters under this Act, shall for anything done or pretended to be done under this Act, or under colour of doing anything thereunder, fraudulently and wilfully demand or take, or appoint or allow any person whatsoever to take, for him or on his account, or for or on account of any person by him named, any fee, emolument, gratuity, sum of money, or any thing of value whatsoever, other than is allowed by this Act, such person, when convicted thereof, shall forfeit and pay the sum of five hundred pounds, and be rendered incapable and is hereby rendered incapable of holding any office or place under her Majesty.

44. *Officers of the Court may be dismissed for fraud or wilful neglect in relation to stamps.*] If any such judge, commissioner, officer, or person shall fraudulently do, commit, or connive at any fraudulent act or practice in relation to any stamp used or required to be used in any matter under this Act, or to any fee or sum of money collected or which ought to be collected by means of any such stamp or otherwise, or shall be guilty of any fraudulent act, neglect, or omission, whereby any fee which ought to be collected by means of such stamp or otherwise shall be lost or the payment thereof evaded, such judge, commissioner, officer, or person so offending shall be liable to be dismissed from his office or employment.

As to general orders:

45. *Purposes for which General Orders are to be framed.*] The Lord Chancellor shall, with the assistance of two commissioners, and subject to the provisions of this Act, frame General Orders for the following purposes:

For regulating the practice and procedure of the courts of bankruptcy, and the several forms of petitions, orders, and other proceedings to be used in the said courts, in all matters under this Act;

For regulating the duties of the various officers of such courts;

For regulating the fees payable and the charges and costs to be allowed with respect to all proceedings before such courts, and before the county courts acting in bankruptcy,

For regulating the practice and procedure upon appeals;

For regulating the filing, custody, and inspection of records;

And, generally, for carrying the provisions of this Act into effect.

46. *General orders in county courts.*] For regulating the practice and procedure of the county courts and the place and times of sitting thereof in matters under this Act, general orders shall be framed in conformity with the provisions of this Act, and subject to the sanction of the Lord Chancellor, by such judges of the said courts as the Lord Chancellor shall from time to time nominate for that purpose.

47. *Alteration of General Orders. All general orders to be laid before Parliament.*] After such General Orders shall have been so framed they or any of them may be rescinded or varied, and other General Orders may be framed in manner aforesaid; and all general orders so framed from time to time shall be laid before both Houses of Parliament within one month after the approval thereof by the Lord Chancellor, if Parliament be then sitting, or if Parliament be not then sitting, within one month from the commencement of the then next session of Parliament.

As to the sittings of the court:

48. *Sittings of the court.*] The London and district courts of bankruptcy shall sit for the despatch of business daily throughout the year, Sunday, Christmas day, Good Friday, Monday and Tuesday in Easter week, and days appointed for public fast or thanksgiving, excepted.

49. *Lord Chancellor to regulate sittings in vacation.*] During the time appointed by order for vacation in the High Court of Chancery the Lord Chancellor shall have full power and authority to regulate the sittings of the Court, and appoint the attendance of such commissioners or commissioners as shall appear necessary for the due administration of justice in the said Court.

As to the practice and procedure of the Court:

50. *Evidence, how to be taken.*] The several courts exercising jurisdiction under this Act may, in all matters within their respective jurisdictions, take the whole or any part of the evidence, either *videlicet* *voce* *on oath*, or by interrogatories in writing, or upon affidavit, or by commission abroad.

51. *Judges may sit at chambers.*] The Commissioners may sit at chambers for the despatch of such part of the business of their courts as can, without detriment to the public advantage arising from the discussion of questions in open Court, be heard in chambers; and when sitting at chambers they shall have in all respects like power and jurisdiction as when sitting in Court.

52. *Registrars, their powers and jurisdiction. Registrars to sit in chambers. County court registrars.*] The registrars of the Court of Bankruptcy shall have power to make adjudication of bankruptcy, to receive the surrender of any bankrupt, to grant protection, to pass the last examination of any bankrupt in cases wherein the assignees and creditors do not oppose, to hold and preside at meetings of creditors, to audit and pass accounts of assignees, and to sit in chambers, and despatch there such part of the administrative business of the Court, and such uncontested matters as shall be defined in general orders, or as the commissioner in any particular matter shall direct; but nothing herein contained shall empower a registrar to commit, or to hear a disputed adjudication, or any question of the allowance or suspension of an order of discharge. The registrar may adjourn any matter coming before him for the consideration of the commissioner. The Lord Chancellor may, by order, from time to time authorise the registrar of any county court to exercise any of the powers hereby given to the registrars of the Court of Bankruptcy.

53. *Parties may take opinion of the commissioner. Certificates of registrars at chambers to be binding.*] Any party shall, during the proceedings before a registrar, be at liberty to take the opinion of the commissioner upon any point or matter arising in the course of such proceedings, or upon the result of such proceedings, which shall be stated by the registrar in the shape of a short certificate to the Commissioner, who shall sign the same, if he approve thereof; and such certificate, so signed, shall be binding on all the parties to the proceeding; but every

such certificate may be discharged or varied by the Commissioner, at chambers or in open court.

54. *Penalties upon parties and witnesses not attending, or wilfully swearing falsely, before registrar.*] Parties and witnesses summoned before a Registrar shall be bound to attend in pursuance of such summons, and shall be liable to process of contempt in like manner as parties and witnesses are now liable thereto in case of default in attendance under any writ of subpoena; and all persons wilfully and corruptly swearing or affirming falsely before a registrar shall be liable to all the penalties, punishments, and consequences of perjury.

55. *Persons refusing to answer may be ordered to pay costs.*] If any person examined before a registrar shall refuse or decline to answer or to swear to or sign his examination when taken, the Registrar shall refer the matter to the Commissioner, who shall have power to order the person so acting to pay the costs thereby occasioned, if such person be compellable by law to answer such question, or to sign such examination.

56. *Special case.*] In any bankruptcy or any other proceeding within the jurisdiction of the Court the parties concerned or submitting to such jurisdiction may, at any stage of the proceedings, by consent, state any question or questions in a special case for the opinion of the Court, and the judgment of the Court shall be final, unless it be agreed and stated in such special case that either party may appeal.

57. *Payment of money by party on judgment being given.*] The parties may, if they think fit, agree that, upon the question or questions raised by such special case being finally decided, a sum of money, fixed by the parties, or to be ascertained by the Court, or in such manner as the court may direct, or any property, or the amount of any disputed debt or claim, shall be paid, delivered, or transferred by one of such parties to the other of them, either with or without costs.

58. *Courts may direct registrar to hold meetings, &c. Expenses of such registrar, &c. Powers of registrar so acting.*] The courts of bankruptcy may direct a registrar to attend at any place within the district of the court to which he is attached, for the purpose of holding any meeting of creditors, of receiving proofs of debts, and generally for the prosecution of any bankruptcy or other proceeding under this Act; and the travelling and incidental expenses of such registrar and of any clerk or other officer attending him, incurred in so acting, shall be settled by such court, and paid out of the assets of the estate in respect of which such registrar has so acted, or if there be no such assets, or if the assets be insufficient, then out of the Chief Registrar's account; and such registrar so acting shall have and exercise all powers, except the power of commitment, vested in such court for the summoning and examination of persons or witnesses, and for requiring the production of books, papers, and documents: provided always, that all depositions and examinations of persons and witnesses taken before such registrar, and all acts done by him, shall be reduced to writing, and be signed by such registrar, and shall be annexed to and form part of the proceedings.

59. *Questions of fact may be tried by a jury.*] It shall be lawful for the judges of the Court of Appeal in Chancery to direct any question of fact to be tried and determined before themselves by the verdict of a special or common jury. The judges of the said Court of appeal in Chancery may make all such rules and orders upon the sheriff or any other person for procuring the attendance of a special or common jury for the trial of such question as may now be made by any of the superior courts of common law at Westminster, and also may make any other orders which may be requisite for the purpose of such trial; and every such jury shall consist of persons possessing the like qualifications, and shall be struck, summoned, and balloted for and called, in like manner as if such jury were a jury for the trial of any cause in any of the said superior courts; and every jurymen so summoned shall be entitled to the same rights, and be subject to the same duties and liabilities, as if he had been duly summoned for the trial of a civil action in any of the said superior courts; and every party to any such proceeding shall be entitled to the same rights as to challenge and otherwise as if he were a party to a cause in any of the said superior courts; and at the trial the jury shall be sworn to try the said question of fact, and a true verdict to give thereon, according to the evidence; and upon every such trial such court shall have the same powers, jurisdiction, and authority as any judge of the superior courts of common law sitting at nisi prius.

60. *Issues may be directed.*] It shall be lawful for the judges of the Court of Appeal in Chancery respectively to direct one or more issue or issues to be tried in any court of Common Law, and either before a judge of assize in any county, or if required by circumstances, at the sittings for the trial of causes in London or Middlesex, and either by a special or common jury, in like manner as is now done by the Court of Chancery.

61. *Appointment of shorthand writers.*] In order to facilitate the business of the Courts of Bankruptcy in taking examinations, or the evidence of parties examined *viva voce*, the Court may, in any matter of bankruptcy or other proceeding within the jurisdiction of courts, direct the employment of a shorthand writer; and general orders shall direct under what regulations such shorthand writer shall be employed, and the amount of the remuneration to be allowed him, and the parties by whom such remuneration shall be paid.

62. *Declaration to be made by shorthand writer.*] Every shorthand writer so employed by the Court shall in every case make in court the following declaration:

"I A. B. do solemnly and sincerely declare, that I will faithfully and truly take down the questions and answers put to and given by persons to be examined in this matter, and will deliver true and faithful transcripts thereof, as the Court shall direct."

63. *Sealing and signature of warrants.*] Every warrant issued by any court under this Act shall be under the seal of the Court, and the hand of the Commissioner; and every summons shall be under the hand of the registrar, and under the seal of the Court.

64. *Records and proceedings to be sealed.*] The courts shall cause to be sealed with the seal of the courts all such records, proceedings, documents, and copies of the same as are by this Act or shall be by general orders required to be so sealed, and such other records, proceedings, documents, and copies of the same as the Courts shall at any time direct.

65. *Want of form, where not to invalidate proceedings.*] No rule, order, warrant, or other proceeding or document required by this Act to be in form given in the schedules to this Act, or to be given by any general order, shall be invalidated by reason of any want of form or omission therein, if such want of form or omission shall not in the opinion of the Court before which the same shall be brought be calculated to mislead or prejudicially affect any party.

66. *Appeal from county courts.*] Every decision or order of the judge of any county court acting in bankruptcy under this Act shall be subject to appeal to the Court of Appeal in Chancery, in like manner and under the same rules and regulations as are now directed with respect to appeals from the London and district courts of bankruptcy to the said Court of Appeal, or as may hereafter be directed by general orders.

67. *Returns to Parliaments.*] The Registrars, Accountant in Bankruptcy, Master, Official Assignees, and Messengers of the court in London and of the district courts of bankruptcy, and the Registrars of the county courts acting in bankruptcy, shall make to the chief registrar, in such manner and form as general orders shall direct, annual returns of the business of their respective offices, and from such returns the chief registrar shall frame a general return, judicial and financial, as to all matters within this Act, and such general return shall be laid before Parliament by the Lord Chancellor as early as may be after the completion thereof; and the returns to the chief registrar shall be kept by him of record, and shall be open to the inspection of persons desirous of inspecting the same, on payment of the fee for inspection of proceedings set forth in schedule (B.) to this Act.

As to the buildings occupied for the purposes of the Courts:

68. *Buildings.*] The building in Basinghall-street in the city of London called the Court of Bankruptcy, and the building in Portugal-street, Lincoln's-inn-fields, called the Court for the Relief of Insolvent Debtors in England, together with the pieces or parcels of ground on which the same are severally erected, shall vest in the Commissioners of her Majesty's Works and Public Buildings, and shall be appropriated to such purposes as the Lord Chancellor shall direct.

As to the persons subject to this Act:

69. *Abolition of distinction between trader and non-trader.*] All debtors, whether traders or not, shall be subject to the provisions of this Act; but no debtor who is not a trader shall be

adjudged bankrupt except in respect of some one of the Acts of bankruptcy herein after described as applicable to a non-trader.

As to acts of bankruptcy:

70. *Non-trader going, or remaining abroad, or making fraudulent conveyance, with intent to defeat or delay his creditors. Rules to be observed before adjudication under this section. Proviso.*] If any person, not being a trader, shall, with intent to defeat or delay his creditors, depart this realm, or being out of this realm shall with such intent remain abroad, or shall with such intent make any fraudulent conveyance, gift, delivery, or transfer of his real or personal estate, or any part thereof respectively, such person shall be deemed to have thereby committed an act of bankruptcy: Provided always, that before any adjudication in bankruptcy shall be made against the debtor under this section the following rules shall be observed:

1. A copy of the petition for adjudication shall be served personally on the debtor, either within the jurisdiction, or in such place or country, or within such limits abroad, as the Court shall, upon application for that purpose, direct:

2. Such copy petition shall have endorsed thereon a memorandum, in a form to be settled by a general order, specifying the time within which the debtor is to appear on such petition; and such time shall, when the service is to be made abroad, be the time which the Court shall think reasonable, having regard to the place or country where the service is to be made:

3. In no case shall the time for appearance be less than thirty days after service:

4. If such personal service has not been effected, the Court must be satisfied that every reasonable effort was made to effect the same, and that the attempts to serve such petition came to the knowledge of the debtor and were defeated by his conduct:

5. If at the expiration of the time limited for appearance the Court shall on the hearing of such petition be satisfied that an act of bankruptcy has been committed within the meaning of this section, it may adjudge such debtor to be a bankrupt:

Provided always, that no non-trader, who shall be abroad at the time of the passing of this Act, shall be deemed to remain abroad with intent to defeat or delay his creditors until the expiration of six months after the passing of this Act.

71. *Trader or non-trader lying in prison, or escaping out of prison.*] If any debtor, whether a trader or not, having been arrested or committed to prison for debt, or on any attachment for non-payment of money, shall, upon such or any other arrest or commitment for debt or non-payment of money, or upon any detention for debt, lie in prison, being a trader, for fourteen days, or, not being a trader, for two calendar months, or, having been arrested for any cause, shall lie in prison as aforesaid, after any detainer for debt lodged against him, and not discharged, every such debtor shall thereby be deemed to have committed an act of bankruptcy; or if any such debtor, having been arrested, committed, or detained for debt, shall escape out of prison or custody, every such debtor shall be deemed to have thereby committed an act of bankruptcy from the time of such arrest, commitment, or detention: but no debtor shall be adjudged bankrupt on the ground of having lain in prison as aforesaid, unless having been summoned he shall not offer such security for the debt or debts in respect of which he is imprisoned or detained, as the commissioner or registrar whose duty it would otherwise be to adjudicate, shall deem reasonably sufficient.

72. *Trader or non-trader filing a declaration that he is unable to meet his engagements.*] If any debtor, whether a trader or not, shall file in the office of the Chief Registrar, or with the registrar of a district Court of Bankruptcy, or of a county court having jurisdiction in bankruptcy, a declaration in writing, in such form as General Orders shall direct, signed by such debtor, and attested by a Registrar of the Court, or by an attorney or solicitor, that he is unable to meet his engagements, every such debtor shall be deemed thereby to have committed an act of bankruptcy at the time of filing such declaration, provided a petition for adjudication of bankruptcy shall be filed by or against him within two months from the filing of such declaration.

73. *Trader debtor suffering execution to be levied.*] If any execution shall be levied by seizure and sale of any of the

goods and chattels of any trader debtor, upon any judgment recovered in any action personal for the recovery of any debt or money demand exceeding fifty pounds, every such debtor shall be deemed to have committed an act of bankruptcy from the date of the seizure of such goods and chattels: Provided always, that, unless in the meantime a petition for adjudication of bankruptcy against the debtor be presented, the sheriff or other officer making the levy shall proceed with the execution, and shall at the end of seven days after the sale pay over the proceeds, or so much as ought to be paid, to the execution creditor, who shall be entitled thereto notwithstanding such act of bankruptcy, unless the debtor be adjudged a bankrupt within fourteen days from the day of the sale, in which case the money so received by the creditor shall be paid by him to the assignee under the bankruptcy, but the sheriff or other officer shall not incur any liability by reason of anything done by him as aforesaid: provided also, that, in case of bankruptcy, the costs and expenses of such action and execution shall be retained and paid out of the proceeds of the sale, and the balance only, after such payment, be paid to the assignees.

74. *Goods, &c., taken in execution to be sold by auction.* Whenever the goods and chattels of a debtor are sold under an execution upon any judgment recovered in any action or suit brought for the recovery of a debt, money demand, or damages against any debtor, exceeding fifty years, such goods and chattels shall in all cases, unless the Court shall otherwise direct, be sold by the sheriff by public auction, and not by will of sale or private contract, and such sale shall be publicly advertised by the sheriff on and during three days next preceding the day of sale.

75. *As to petition by or against trader or non-trader, followed by adjudication, in the foreign dominions of the Crown.* The filing of a petition by or against a debtor, whether a trader or not, in any Court having jurisdiction for the relief of Insolvent Debtors in Insolvency or Bankruptcy in any of her Majesty's dominions, colonies, or dependences, and the adjudication of an act of insolvency or bankruptcy on such petition, shall, for the purposes of this Act, be accounted and adjudged conclusive evidence of an act of bankruptcy committed by such debtor at the time of filing such petition, or of the filing the petition on which the adjudication of an act of insolvency or of bankruptcy shall have been made; and any creditor or creditors of such debtor whose debt or debts shall be of sufficient amount to enable him or them to petition for adjudication of bankruptcy under this Act may, at any time within two months after notice of such adjudication shall have been given in the *London Gazette*, petition for adjudication of bankruptcy under this Act against such debtor, and under such petition all such proceedings may be had and taken as are authorised and directed by this Act.

As to an act of bankruptcy by non-payment after judgment debtor summons, and the proceedings thereupon:

76. *Judgment debtor summons against traders and non-traders; who may sue them out, and when.* Every judgment creditor who is or shall be entitled to sue out against a debtor a writ of *capias ad satisfaciendum*, or to charge the debtor in execution, in respect of any debt amounting to fifty pounds, exclusive of costs, shall be entitled, at the end of one week from the signing of judgment, to sue out against the debtor if a trader, or not being a trader at the end of one calendar month, and whether he be in custody or not, a summons, to be called a judgment debtor summons, requiring him to appear and be examined respecting his ability to satisfy the debt.

77. *The like, in cases of disobedience to decree in equity, or order in bankruptcy, insolvency, or lunacy.* Where, after the commencement of this Act, a decree or order of a court of equity, or an order in bankruptcy or insolvency or lunacy, directing the payment of money, is disobeyed by the debtor, the same having been duly served on him, and the person entitled to receive the money or interested in enforcing payment of it has obtained a *peremptory order* of the competent jurisdiction, fixing a day for payment, and the debtor does not, being a trader, within seven days, or, not being a trader, within two calendar months, after service on him of the *peremptory order*, or, such order having been duly served, within seven days after the day fixed by the *peremptory order* for payment, (which shall last happen,) pay the money, or secure, or tender or compound for it, to the satisfaction of the creditor, the creditor shall be entitled at the end of those seven days to sue out against the debtor a judgment debtor summons.

78. *Court out of which such summons shall issue.* The judg-

ment debtor summons shall, unless the Court shall in any case otherwise direct, issue according to the following rules:

Where the debtor is in England, then out of the Court of Bankruptcy for the district in which the debtor usually lives, or at the time of the issuing of the summons happens to be:

Where the debtor is not in England, then out of the Court of Bankruptcy for the district in which is the debtor's usual or last known place of abode in England.

79. *Service of summons.* Where the debtor is in England the summons shall be served personally, unless the Court issuing the same shall in any case direct that service in some other manner shall be good service; where the debtor is not in England, the Court, upon such evidence as shall satisfy it that the service will be effectual to give notice to the debtor, may order service to be made in such manner and form as it shall deem fit, and shall appoint a time by such order for the appearance of the debtor.

80. *Duplicate of summons.* Where the debtor is in custody a duplicate of the summons shall be delivered to the Sheriff or other person in whose custody he is who shall bring him up according to the summons, at the cost of the summoning creditor.

81. *Where service cannot be effected, &c.* Court may order notice in *London Gazette*, &c. If service of the summons be not effected, and the court is satisfied that the debtor is keeping out of the way to avoid service, it may order that one or more notices be inserted in the *London Gazette* and in one or more newspapers published in the district in which is the debtor's usual or last known place of abode, requiring him to appear on a day named, being not less than fourteen days after the publication of the first notice.

82. *Procedure upon appearance of debtor.* Upon the appearance of the debtor he may be examined on oath, by or on behalf of the creditor and by the Court, respecting his ability to satisfy the debt, and for the discovery of property applicable in that behalf, and shall be bound to produce, on oath or otherwise, such books, papers, and documents in his possession or power relating to property applicable or alleged to be applicable to the satisfaction of the debt, as the Court shall think fit, and to sign his examination when reduced into writing; and any debtor refusing to be sworn, or who shall upon examination refuse or willfully fail to discover fully and truly, to the best of his knowledge and belief, all his property, real and personal, inclusive of his rights and credits, and to produce all books, papers, and documents in his possession or power relating thereto, shall be liable to be committed by the court as in the case of a bankrupt.

83. *Adjudication upon summons, and non-payment for failure to secure or compound.* If, after service of such summons, or due notice thereof, as aforesaid, the debtor shall not pay the debt and costs, or secure or compound for the same to the satisfaction of the creditor, the Court may, on the appearance of the debtor, or if he shall not appear, having no lawful impediment allowed by the Court, adjudge him bankrupt, without the presentation of a petition for adjudication or other proceeding; and where the debtor has not appeared, notice of such adjudication shall be served upon him in like manner as herein provided with respect to service of the summons.

84. *Time to show cause against adjudication. Adjudication when to become absolute. Stamp duty thereupon.* The debtor shall be allowed seven days from such notice, or such further time as the Court shall think fit, for appearing to show cause against the adjudication; and if he appear within the time allowed, and show sufficient cause, the adjudication may be annulled; otherwise, at the end of the time allowed, or on the judgment of the Court against the sufficiency of the cause shown, the adjudication shall become absolute, and notice thereof shall be forthwith given in the *London Gazette*; and the adjudication shall have relation back to the service of the summons, or the insertion of the first notice in the *London Gazette*, as the case may be; and the stamp duty payable upon the presentation of a petition for adjudication of bankruptcy shall be paid in respect of adjudication under this section, or under the last preceding section by the official assignee or creditors assignee, as the case may be, out of the first monies that shall be received under the estate of the bankrupt.

85. *Debtor refusing to conform may be committed.* The provisions contained in section two hundred and sixty of the "Bankrupt Law Consolidation Act, 1849," relating to the committal of a person refusing to be sworn, or doing or omitting

the other acts or things therein mentioned, shall apply to a debtor appearing on a judgment debtor summons.

As to petitions for adjudication of bankruptcy, and the proceedings thereupon:

86. *Debtor may petition for adjudication against himself.*] Any debtor may petition for adjudication of bankruptcy against himself, and the filing of such petition shall be an act of bankruptcy, without any previous declaration of insolvency by such debtor.

87. *Proceedings to obtain adjudication of bankruptcy to be by petition upon oath. Proceedings, &c. upon filing petition.*] Proceedings to obtain adjudication of bankruptcy shall be by petition, on the oath of the petitioner. Every such petition shall be filed of record, and prosecuted as directed by this Act, and from and after the filing of such petition, in the case of a debtor petitioning against himself, and from and after adjudication, in the case of a petition filed against a debtor who shall be adjudged bankrupt, the bankrupt personally and all his estate and effects, of what nature or kind soever, shall be subject to the law of bankruptcy.

88. *Where petition shall be filed and prosecuted. Powers to consolidate, impound, and transfer proceedings upon petitions.*] Every petition for adjudication of bankruptcy, except as hereinbefore provided, shall be filed and prosecuted in the Court of Bankruptcy within the district of which such debtor shall have resided or carried on business for the six months next immediately preceding the time of filing such petition, or for the longest period during such six months; but the Court in London may order any such petition to be prosecuted in any district with or without reference to the district in which the debtor shall have so resided or carried on business, or may consolidate the proceedings or any part thereof under two or more petitions for adjudication of bankruptcy, or may impound any petition for adjudication of bankruptcy, or judgment debtor summons, and the proceedings thereunder, or any part thereof, upon such terms as the Court shall think fit, or may transfer any petition for adjudication of bankruptcy, or judgment debtor summons, and the proceedings thereunder, and the prosecution or further prosecution thereof, from the court in any one district to the court in any other district, or to a county court having jurisdiction in bankruptcy; and the Court to which any such transfer shall be made may remove the official assignee, and appoint a new official assignee to any such bankruptcy.

89. *Amount of petitioning creditor's debt.*] The amount of the debt of any creditor petitioning for adjudication of bankruptcy against a debtor, whether a trader or not, shall be as follows; that is to say,

The debt of a single creditor, or of two or more persons being partners, shall amount to fifty pounds or upwards: The debt of two creditors shall amount to seventy pounds or upwards:

The debt of three or more creditors shall amount to one hundred pounds or upwards:

Every person who has given credit to a debtor upon valuable consideration for any sum payable at a certain time, which time shall not have arrived when such debtor committed an act of bankruptcy, may so petition or join in petitioning, whether he shall have any security for such sum or not.

90. *Debt of petitioning creditor of a non-trader must be contracted after passing of Act, &c.*] The debt of the petitioning creditor of any debtor not being a trader, and not being at the time a prisoner against whom such creditor would have been entitled to obtain a vesting order in insolvency if this Act had not passed, must be a debt contracted after the passing of this Act; and the judgment debtor summons must be a summons in respect of a debt contracted or of liability incurred after the passing of this Act.

91. *Petition fraudulently or maliciously filed, Court may order satisfaction.*] If a debt stated by the petitioning creditor in his affidavit or in his petition for adjudication to be due to him from any debtor, shall not be really due, or if, after a petition for adjudication of bankruptcy filed, it shall not have been proved that the person against whom such petition has been filed was liable to an adjudication of bankruptcy at the time of the filing of such petition, and it shall also appear that such petition was filed fraudulently or maliciously, the Courts shall and may, upon petition of any person aggrieved by such petition, examine into the same, and order satisfaction to be made to him for the damages by him sustained.

92. *Petition by the public officer of co-partnership.*] A petition for adjudication of bankruptcy or judgment debtor summons against any debtor indebted in the amount aforesaid to any co-partnership duly authorised to sue and be sued in the name of a public officer or agent of such co-partnership may be filed or sued out by such public officer or agent as the nominal petitioner for and on behalf of such co-partnership; provided such public officer or agent shall, in a declaration signed by him, in such form as General Orders shall direct, declare that he is such public officer or agent, and that he is authorised to sue.

93. *Debtor petitioning against himself to file statement of debts.*] Every debtor petitioning against himself shall file in court a full, true, and accurate statement, verified by the oath of the petitioner, of his debts and liabilities of every kind, and of the names and residences of his creditors, and of the causes of his inability to meet his engagements, within such time after filing his petition, and in such form, as General Orders shall direct.

94. *Debtors residing in the metropolitan district to file petition in London court; not residing in metropolitan district, in county court.*] Where a debtor petitions for adjudication against himself, and knows or verily believes the debts justly due and proveable under the bankruptcy to amount in the whole to a sum not exceeding three hundred pounds, such fact shall be stated on oath, and if he be resident within the metropolitan district as herein defined, he shall file his petition in the London Court of Bankruptcy, and where such debt shall not exceed three hundred pounds, and the debtor shall not be resident in the metropolitan district, he shall file his petition in the county court for the district in which he shall have resided for the six months next before the filing of his petition, or for the longest period during those six months, unless he is in custody, and then in the county court for the district in which he is in custody; but such Court, if it make adjudication, shall transfer the proceedings to the county court in which the debtor, if not in custody, would have been required to petition.

95. *Notice to gaoler.*] Every debtor who shall present a petition for adjudication whilst a prisoner in any prison or gaol shall by writing give notice to the keeper of such gaol or prison of his intention so to do, and shall in his petition state that such notice has been given.

96. *Where petitioner does not proceed, power for Court to adjudicate.*] If the petitioning creditor shall not proceed and obtain adjudication within three days after his petition shall have been filed, or within such extended time as shall be allowed by the Court, the Court may, at any time on the expiration of such three days, or of such extended time, as the case may be, upon the petition of any other creditor to the amount required to constitute a petitioning creditor, proceed to adjudicate on such last mentioned petition. If a debtor petitioning against himself does not obtain adjudication within twenty-four hours after filing such petition, the Court may proceed to adjudicate the debtor a bankrupt on the petition of any competent creditor.

97. *What shall be reckoned as debts, for the purposes of a petition under this Act.*] In the computation of debts for the purposes of any petition under this Act there shall be reckoned as debts,—

1. Sums due to creditors holding mortgages or other available securities or liens; after deducting the value of the property comprised in such mortgages, securities, or liens;
2. Such interest and costs as shall be due in respect of any of the debts:

But there shall not be reckoned,—

1. The amount of the debts in respect of which the petitioner has already taken the benefit of insolvency, protection, or bankruptcy;
2. Debts barred by any statute of limitations.

As to adjudication of bankruptcy against pauper and other prisoners for debt:

98. *Power for prisoners for debt to petition in forma pauperis.*] If any debtor, whether a trader or not, now being or who shall be imprisoned for any debt or demand, shall through poverty be unable to petition the proper court for an adjudication of bankruptcy against himself, he shall be at liberty to petition in forma pauperis, upon making an affidavit that he has not the means of paying the fees and expenses usually payable in respect of a petition by a debtor for an adjudication of bankruptcy. Such affidavit may be sworn before the gaoler of the prison where such debtor is confined, and such

gaoier is hereby empowered and required to take such affidavit, and swear the deponent thereto, without fee or reward.

99. *Proceedings upon such petition.*] Every person so petitioning in *forma pauperis* as aforesaid shall, if not previously discharged by a registrar, be brought up to the county court of the district at its next sitting after the presentation of such petition, and shall be examined by the Court touching his estate and effects, debts, dealings, and transactions; and if the Court shall be satisfied with such examination it shall make an order of adjudication of bankruptcy against the petitioner, and, if it think fit, grant an order of protection to the petitioner.

100. *Gaoler to make monthly return of all prisoners for debt.*] The gaoler of every prison in England or Wales within the walls, rules, or liberties whereof any person shall be in custody upon any process whatsoever, for or by reason of any debt, claim, or demand whatsoever, shall on the first day of every month, or if such day shall happen to be Sunday, then on the day next following, make a return under his hand of the name of every such person, and the date of his or her imprisonment, and the nature and amount of the debt or demand, debts or demands, for which he or she is imprisoned or in custody, and whether he or she is willing or refuses to petition the Court of Bankruptcy, or is unable to do so by reason of poverty, or in such other form and manner and with such particulars as any General Orders shall direct. Such return shall also include the names and addresses of every creditor at whose suit each such prisoner is imprisoned or detained, and shall be made by gaolers of prisons situate within the London district to the London court, and by the gaolers of prisons within the country districts to the district court of bankruptcy, or the county court having jurisdiction in bankruptcy, within the jurisdiction of which the gaol is situate, as the case may be.

101. *Registrar to attend at the gaol, and examine every prisoner in such return. Power for registrar to make order of adjudication.*] The commissioner or county court judge, as the case may be, shall in every case, on receiving such return, make an order that a registrar of the Court of Bankruptcy or of the county court of the district in which the gaol is situate shall attend at the gaol on a day to be named, being at least seven and not more than twenty-one days from the date of such return. Notice of such order shall be forthwith given to the gaoler and also to the execution and detaining creditors of every prisoner included in such return. On the day named in the order the registrar shall attend at the prison, and examine every prisoner included in such return who shall have been in prison being a trader, for fourteen days, or, not being a trader, for two calendar months, touching his estate and effects, debts, dealings, and transactions: the registrar shall also ascertain the last place of abode and business of each such prisoner within the six months next prior to his imprisonment. The registrar shall have power to make an order of adjudication in bankruptcy against every such prisoner, and to grant him protection, and to make an order for his release from prison, and shall also direct in what court such adjudication shall be prosecuted, having regard to the amount of debts and the place of trade or residence of the prisoner within the six months next preceding his imprisonment. The registrar shall certify the particulars of each case to the Court of which he is registrar.

102. *Where such prisoner refuses to conform the Court may commit him.*] If the prisoner shall refuse to appear or to be sworn, or to answer all lawful questions of such registrar or of the execution or detaining creditor, or of any other creditor who shall be present, respecting his debts, liabilities, dealings and transactions, or to make a full discovery of his estate and effects, and of all his books of account, or to produce the same, or to sign his examination when taken, the registrar shall report the same to the Court, and the Court may, by warrant under the hand and seal of the judge or commissioner, commit him to the common gaol of the county, there to be kept, with or without hard labour, for any time not exceeding one month, and the Court may at the same time adjudge such prisoner bankrupt; provided that if after such adjudication the bankrupt shall, before the period of such commitment has expired, submit to be examined, and in all things conform to the jurisdiction of the Court, he shall have in all respects the same benefit as if he had submitted to the Court in the first instance.

103. *Effect of adjudication against prisoner for debt.*] Every adjudication against any prisoner for debt so brought up as aforesaid shall, unless the Court shall otherwise direct, have relation back to the date of his commitment or detention, as the case may be, and shall be as valid and effectual for all pur-

poses as if it had been made under any other of the provisions of this Act.

104. *Persons imprisoned under 8 & 9 Vict. c. 127, and 9 & 10 Vict. c. 95, &c., not to be included in the return.*] No person who is in custody solely under or by reason of any warrant or order made or issued by or by the authority of a judge, under the provisions of the Act of the eighth and ninth years of her present Majesty, chapter one hundred and twenty-seven, or of the Act of the ninth and tenth years of her present Majesty, chapter ninety-five, or by the authority of any Court having the power to commit any person to prison upon or by reason of any order or judgment wherever there shall have been recovered a sum for debt not exceeding twenty pounds exclusive of costs, shall be included in the return so directed to be made by gaolers as aforesaid, or released from such imprisonment by virtue of any order to be made by the registrar as aforesaid, or be entitled to petition in *forma pauperis* under this Act.

105. *Discretion of county court judge under 8 & 9 Vict. c. 127, and 9 & 10 Vict. c. 95.*] Every judge in acting under the last-mentioned statutes, and in deciding whether the party summoned before him has then or has had since the judgment obtained against him sufficient means and ability to pay the debt or damages, or costs so recovered against him, either altogether or by any instalment or instalments as ordered, shall take into consideration all the debts and liabilities of the party so summoned, and his conduct in disposing of his money or property since the judgment was given.

As to lunatic prisoners for debt:

106. *Adjudication in case of lunatic prisoners for debt.*] If any person being or alleged to be of unsound mind shall be in prison for debt, the gaoler shall forthwith require a justice of the peace for the county or place wherein such prison shall be to visit such debtor, and to inquire into his state of mind; and such justice shall call to his assistance two duly qualified medical practitioners, each of whom shall be a physician, surgeon, or apothecary, and each of whom shall separately examine such debtor; and if such two medical practitioners shall each sign a certificate with respect to such debtor, according to the form in schedule H. to this Act annexed, and such justice shall be satisfied from his own view that such debtor is of unsound mind, he shall certify the same to the proper Court, and thereupon the Court may appoint some person to represent such debtor, and direct such proceedings to be taken for adjudication in bankruptcy against him as the Court shall think fit; and all proceedings under such adjudication shall be had and carried on in the same manner and with the like effect as if such prisoner had been of sound mind, and had presented a petition to the Court for adjudication of bankruptcy, or as near thereto as the difference of circumstances will permit.

107. *Power thereupon for justice of the peace to remove such prisoners to county asylum.*] Any justice of the peace of the county or place aforesaid may thereupon remove such prisoner from such gaol, and may cause him to be sent to the asylum of the county in which such gaol is situate, in order that he may be placed under care and treatment as a lunatic; and such removal shall not be considered as an escape or final discharge from such gaol, and such prisoner shall thereafter be dealt with in all respects as a pauper lunatic, and shall be subject to the Acts of Parliament for the time being in force respecting pauper lunatics, or as near thereto as circumstances will permit: provided, nevertheless, that in the event of his recovery from his lunacy, he shall, if still liable to be detained in custody as a debtor, be remitted to the gaol from whence he was received.

As to procedure after adjudication:

108. *Official assignee to take possession.*] Immediately on adjudication it shall be the duty of the official assignee to take possession of the bankrupt's estate, and to retain possession thereof until the appointment of a creditors' assignee; but if such official assignee, or if the Court, upon the representation of any creditor, shall be of opinion that the keeping possession of the bankrupt's property is not requisite for the due protection of the creditors, such possession shall not be continued.

109. *Meeting of creditors. Proof of debts. Transfer to county court.*] As soon as conveniently may be after adjudication shall have become absolute, the Court shall appoint a meeting of the creditors, of which ten days' notice shall be given in the *London Gazette*, and which meeting shall be held at such time and place as the Court shall appoint; and at such meeting a registrar, or such other person as the Court shall appoint for that purpose, shall preside, and receive the proofs

of the debts of the creditors. The official assignee shall attend and give to the meeting the fullest information in his power of the estate and effects of the bankrupt, and of the debts due from his estate; and it shall be lawful for the majority in number and value of the creditors present at such meeting or at any adjournment thereof to resolve and determine that the proceedings in the bankruptcy shall be transferred to and thenceforth prosecuted in the county court of any district, other than the metropolitan district, and the Court shall order the same accordingly, upon being satisfied that such resolution was duly made. At this meeting a majority in value of the creditors present shall determine whether any or what allowance for support shall be made to the bankrupt up to the time of passing his last examination.

110. *Option to creditors.* [In case at such meeting or at any other meeting of creditors any proposal shall be made by or on behalf of the bankrupt which it shall appear to the major part in value of the creditors then present ought to be accepted, or if it shall appear to the majority in value of the creditors present at any meeting to be desirable on any ground to resolve, and such majority shall resolve, that no further proceedings be taken in bankruptcy, the meeting shall be adjourned for fourteen days, in order that notice of such resolution may be given to every creditor by the official or creditors' assignee, which shall be done accordingly; and if at such adjourned meeting a majority in number representing three-fourths in value of the creditors present shall so resolve, the proceedings in bankruptcy shall be suspended, and the estate and effects of the bankrupt shall be wound up and administered in such manner as such majority shall direct, and the bankrupt having made a full discovery of his estate shall be entitled to apply for an order of discharge.

111. *Amendment of 12 & 13 Vict. c. 106, s. 123, as to attestations to admissions of debt.* [From and after the passing of this Act no attestation shall be required to give effect to the admission referred to in the one hundred and twenty-third section of "The Bankrupt Law Consolidation Act, 1849;" but such admission shall be signed in the presence of some officer of such court, who shall attest such signature thereto.

112. *Form of warrant for commitment of bankrupt. Copy of his examination to be delivered to person committed.* [In any warrant of commitment issued by any Court under this Act it shall not be necessary to set forth or specify any question or any part of the examination of the person so committed, but it shall be sufficient to refer in the warrant to the examination or deposition of the person as remaining on the file of proceedings, and to specify in the said warrant the precise date of the examination or deposition so referred to; and such warrant shall be in the form contained in schedule (C.) to this Act; provided, however, that in every case in which any person shall be so committed for refusing to answer or for not fully answering any question put to him, every such question shall be specified in the examination or deposition of the person committed remaining on the file of proceedings, and so referred to as aforesaid; and provided also, that a copy of the said examination or deposition so referred to shall be delivered personally to the person committed within twenty-four hours next after his actual commitment to prison; and in default of the said copy being delivered the person committed shall be discharged from custody, either by the Court or by the judge before whom such person may be brought by *habeas corpus*, with such costs, if any, as the said Court or judge may deem just.

113. *Discharge of person committed.* [If any person so committed shall sue forth any writ of *habeas corpus* in order to be discharged from such commitment, he shall not be discharged by reason of any mere matter of form, but if the Court or judge before whom he shall be brought, upon inspection and consideration of the whole of the examination or deposition of such person, shall be of opinion, that the answer or answers of such person is or are satisfactory, the Court or judge may order the person so committed to be discharged.

114. *As to copyhold and customary lands of bankrupt.* [The Court shall have power to dispose, for the benefit of the creditors, of any estate or interest at law or in equity which at adjudication or afterwards, before order of discharge, a bankrupt has in any copyhold or customary land, and to make an order vesting the land or such estate or interest as the bankrupt has therein in such person and in such manner as the Court shall think fit.

115. *Life estate in remainder, &c.* [Where, under any settlement or will, a bankrupt non-trader shall be entitled to a life

estate, in remainder expectant upon the death or deaths of any previous tenant or tenants for life, with any remainder over to the bankrupt's issue, or the heirs of his body or any of them as purchasers, the life estate of such bankrupt non-trader shall not be sold before it falls into possession without an express direction of the court.

As to the choice of a creditors' assignee:

116. *Creditors' assignee, when and how to be chosen.* [At the first meeting of creditors, or any adjournment thereof, it shall be competent to the majority in value of the creditors who have proved debts to choose an assignee or assignees of the bankrupt's estate and effects, and to be called the creditors' assignee; provided that the Court shall have power to reject any person so chosen who shall appear to such Court unfit to be such assignee, and upon such rejection a new choice of creditors' assignee shall be made.

117. *On appointment of creditors' assignee bankrupt's estate vested in the same.* [Upon the appointment of the creditors assignee, all the estate, both real and personal, of the bankrupt, shall be divested out of the official assignee, and vested in the creditors assignee.

118. *Official assignee to render account to the creditors assignee.* [The official assignee shall forthwith render to the creditors' assignee a full and particular account or balance sheet of the bankrupt's estate, and of all receipts, payments, and other transactions of such official assignee, and also a list of all the creditors of the bankrupt who have proved their debts against the estate.

119. *Creditors' assignee shall audit accounts of official assignee.* [The creditor's assignee shall, in the presence of a registrar, audit such account, and may call for such information from the official assignee as he possesses concerning the estate. The account shall be audited in the presence of the judge of the Court, in cases where the registrar of such court is also the official assignee. A printed copy of such account of the official assignee, when audited, shall, unless the registrar or the judge, as the case may be, shall otherwise direct, be sent by post by the creditors' assignee to every creditor who has proved.

120. *Custody of bankrupt's books.* [The Court shall give such directions as it may deem expedient with respect to the custody and inspection of the books, papers, writings, and documents relating to the estate, and may authorise the official assignee to have the custody thereof or of any part thereof.

121. *Bankrupt's books not subject to lien.* [No person shall be entitled, as against the official or creditors' assignee, to withhold possession of the books of account of the bankrupt, or to claim any lien thereon.

122. *Security by creditors' assignee.* [The majority in value of the creditors present at the meeting for choice of a creditors' assignee shall determine whether any security shall be given by such assignee, and if so, the amount and nature thereof, and such security may, if the creditors so determine, be by way of bond given to any registrar of the court or his successors, who are hereby authorised to sue thereon. At the same meeting, or at any other meeting called for the purpose, the majority in value of the creditors present may also determine whether a manager shall be appointed to collect and wind up the estate, under the inspection of the creditors' assignee, or of a committee of creditors, and may appoint such person, with such remuneration out of the estate, and generally upon such terms, for such period, and with such directions as the majority shall think fit.

123. *Certificate of appointment of assignee.* [When the election of an assignee shall have been accepted by the person elected and confirmed by the Court, the Court shall, by certificate under the hand of the Commissioner and the seal of the Court (to be called the certificate of appointment) declare such creditors' assignee to have been duly elected, and appoint him to the said office accordingly. Such appointment shall be final, and shall not be subject to review or appeal, except as herein-after provided.

124. *Removal of creditors' assignee or manager.* [A majority in number and value of the creditors may, at any meeting duly called for the purpose, remove the creditors' assignee or manager or accept of his resignation; and one-fourth in value of the creditors who have proved may at any time apply to the Court, by petition for the removal of the creditors' assignee or manager, and if on the hearing of such petition the Court shall be of opinion that sufficient reason has been shown, it may remove such creditors' assignee or manager, and appoint a meeting of the creditors to be held for electing a new creditors' assignee;

and if the assignee shall die, resign, or be removed, or remain abroad for three months at any one time, any creditor may apply to the Court to appoint a meeting for electing a new creditors assignee, and the court may accordingly appoint a meeting, whereof at least seven days previous notice shall be given in the *London Gazette*, and such meeting may elect a new creditors assignee accordingly.

125. *Mode of electing new creditors' assignee; his powers and duties.*] In all cases of the election of a new creditors' assignee, the proceedings shall take place in the like manner as is hereinbefore provided in the case of the first election, and the new creditors' assignee shall have the same powers and perform the same duties as the creditors' assignee first chosen, and shall call to account such creditors' assignee, his heirs, executors, administrators, or assigns, as the case may require.

126. *As to valuation of bankrupt's property.*] No valuation of a bankrupt's property shall be made, unless the Court shall so direct; and any valuation required by the creditors shall be made in such manner and upon such terms as General Orders shall from time to time direct.

As to the rights and duties of the creditors' assignee:

127. *Duties of creditors' assignee.*] The creditors' assignee shall manage, and, except as herein provided, realize and recover the estate belonging to the bankrupt, wherever situated, and convert the same into money, and he shall pay all moneys not necessarily retained for current expenses, all exchequer bills, India Bonds, and all other public securities, and all bills, notes, and negotiable instruments belonging to the estate, forthwith upon receipt thereof, into the Bank of England, to the account of the Accountant in Bankruptcy, unless in the case of any adjudication in a country district there shall be no branch of the Bank of England in the locality, and then into such bank as the Court shall direct, to the credit of an account to be opened in such bank by such assignee in his official character.

128. *The official assignee to collect debts under £10.*] The official assignee shall collect, realize, and recover every debt due to the estate, the amount of which shall not exceed the sum of ten pounds, and shall pay all sums so collected, realized, and recovered forthwith into the Bank of England, or otherwise in manner in the next preceding clause provided; and as to all such sums of money he shall be and shall be deemed sole assignee of the estate, notwithstanding the appointment of a creditors' assignee.

129. *Creditors' assignee to render accounts to official assignee every three months. If no creditors' assignee appointed, official assignee to render accounts.*] The creditors' assignee shall, at the end of three months from and after his appointment, and thenceforth at the expiration of every succeeding three months, render to the official assignee, in the presence of the registrar, a debtor and creditor account of all sums received and paid on account of the bankrupt or his estate, verified on oath as a full, true, and faithful account of his receipts and payments as such creditors' assignee; and the vouchers for such account, and all books of account in his possession or power, together with his banker's pass book, shall be produced by him to the official assignee, who shall examine the same, and if he shall be dissatisfied with such account, the same, or any part thereof, or any matter arising thereon, shall be enquired into and considered by the registrar, in the presence of the official and creditors' assignee; and if no creditors' assignee be appointed the official assignee shall in like manner render the account herein required to the registrar, who shall examine the same: provided, that in the case of county court registrars their accounts, as official assignees, shall be in like manner rendered to and examined and passed by the judges of their respective courts.

130. *Accounts to be printed and circulated.*] Forthwith after the passing of each such account of the creditors' assignee, a copy thereof, or a statement showing the nature and result of the transactions and accounts of the assignee, shall be made out by the official assignee, and sent by him in a printed form through the General Post to every creditor who has proved under the bankruptcy.

131. *Assignee may elect to take lease for limited period.*] In every case of a lease or an agreement for a lease it shall be lawful for the assignee to elect to take the same and the benefit thereof, and to keep possession of the premises up to some quarter or half-yearly day on which rent is made payable by the same lease or agreement, such day not being more than six

months from the adjudication of bankruptcy, and upon such day to decline such lease or agreement for a lease.

132. *Mortgagee may bid at sale.*] Any mortgagee, with the leave of the Court first obtained, may bid at any sale of the mortgaged property.

133. *Power to mortgage or pledge bankrupt's property.*] If it shall appear to any meeting of the creditors summoned by the assignees, by notice stating the object of the meeting, and at which three-fourths in value of the creditors shall be present or represented, that the debts of any bankrupt can be discharged by means of money raised by way of mortgage or pledge of any of his property, and such meeting shall pass a resolution accordingly, it shall be lawful for the assignees, when thereunto authorized by order of the Court, to execute such mortgage or pledge, with or without powers of sale and other powers, and in such manner in all respects as shall be specified in such order; and the Court may order the execution of such mortgage or pledge by any other necessary parties, and give all necessary directions for the purpose of carrying into effect the resolution of the creditors.

134. *Portion of pay, half pay, salary, or pension of bankrupt to be applicable for creditors.*] The Court may order such portion of the pay, half pay, salary, emolument, or pension of any bankrupt as, on communication from the Court, the Secretary of State for War, or the Secretary of State for India, or the Lords Commissioners of the Admiralty, or the Commissioner of the Customs or Excise, or the chief officer of the department to which such bankrupt may belong or may have belonged, or under which such pay, half pay, salary, emolument, or pension may be enjoyed by such bankrupt, may officially sanction to be paid to the assignees, to be applied in payment of the debts of such bankrupt; and such order and sanction being lodged in the office of her Majesty's Paymaster General, or of the Secretary of State for India, or of any other officer or person appointed to pay or paying any such pay, half pay, salary, emolument, or pension, such portion of the said pay, half pay, salary, emolument, or pension as shall be specified in such order and sanction shall be paid to such assignees until the Court shall make order to the contrary.

135. *Sequestration of profits of benefit of bankrupt clergyman may be obtained.*] If any bankrupt be a beneficed clergyman the assignees may apply for and obtain a sequestration of the profits of the benefit of such bankrupt, which profits shall form part of the bankrupt's estate, and be applied accordingly; and the certificate of appointment of such assignees shall be a sufficient authority for the granting of such sequestration, without any writ or other proceeding to authorise the same, and such sequestration shall accordingly be issued as the same might have been issued upon any writ of *levavi facias* founded upon any judgment against such bankrupt: provided always, that the sequestrator shall allow out of the benefit to the bankrupt whilst he performs the duties of the parish or place such an annual sum, payable quarterly, as the bishop of the diocese in which the benefit is situated shall direct; and it shall be lawful for the bishop to appoint to such bankrupt such or the like stipend as by law he might have appointed to a curate duly licensed to serve such benefit in case the bankrupt had been non-resident.

136. *Court may determine on all differences between assignees and creditors, or between parties claiming under trust deeds.*] In case of any claim, dispute, or difference between the official assignee, the creditors' assignee, and the creditors, or any of such persons, or between any persons claiming under a trust deed, deed of composition or arrangement, relating to any bankrupt's or debtor's estate, or to any money or property claimed as part of the estate of any bankrupt or debtor, either party may apply to the Court having jurisdiction in the bankruptcy, and in other cases to the Court in London; and it shall be lawful for the Court to determine the same, and to summon and examine upon oath the official or creditors' assignee, trustee, or any other person whomsoever, as to any matters and things concerning the bankrupt or trust estate, and to direct such inquiries, and to give such directions, and make such orders relative thereto, as shall to the Court seem just and expedient, and to award costs, personally or in any other manner, against the official or creditors' assignee, trustee, or any other person; provided that in all cases in which a resolution has been come to by a majority in number and value of the creditors assembled in a meeting, regard shall be had by the Court to such resolution, and the same shall not be varied or set aside by the Court, unless such resolution

shall, in the opinion of the Court, be unjust or inequitable, and not fit to be binding and conclusive under this Act.

137. *Power for assignees to sell bankrupt's book debts, goodwill, &c.]* At any time after the expiration of twelve months from adjudication, or at any earlier period with the approbation of the Court, the assignees may sell by auction or tender, or, with the sanction of the Court, by private contract, all or any of the book debts due or growing due to the bankrupt, and the books relating thereto, and the goodwill of his trade or business, and assign the same to the purchaser; and such purchaser shall, by virtue of the assignment, have power to sue in his own name for the debts assigned to him, as effectually, and with the same privileges concerning proof of the requisites of bankruptcy and other matters, as the assignee himself.

138. *Disposal or custody of bankrupt's books and papers after his affairs are wound up.]* When the affairs of the bankrupt are fully wound up, the Court may, subject to the directions of any General Order, make from time to time such orders as in each case seem fit respecting the disposal or custody of any books, papers, or documents relating to property or affairs in the possession or under the control of the official assignee, the creditors' assignee, or any other person.

139. *Removal of creditors' assignee.]* If the creditors assignee shall wilfully fail to observe any of the directions herein contained, or shall be guilty of any neglect in the performance of his duty, or it shall be made to appear to the Court, on the application of any two or more creditors, that it would be for the benefit of the estate that such creditors' assignee should not continue to have the management and administration of the bankrupt's estate, it shall be lawful for the Court either to appoint an official assignee to act jointly with such creditors' assignee, or to remove such creditors' assignee, and direct a choice of another creditors' assignee, or to appoint an official assignee alone to wind up and administer the estate under the bankruptcy.

As to the last examination:

140. *Court to appoint sitting for last examination and application for discharge.]* The Court shall, forthwith after the meeting for the choice of an assignee by the creditors, appoint a public sitting on a day not later than sixty days from the date of such meeting, and shall give notice of such sitting in the *London Gazette*, and in such newspapers as the Court shall direct, for the bankrupt to pass his last examination, and also, unless the Court shall in any case otherwise direct, to make application for his discharge; but the Court shall have power to enlarge the time appointed for such sitting, or to adjourn the same.

141. *The bankrupt to prepare and file a statement of accounts.]* The bankrupt shall prepare such statement of his accounts and in such form as General Orders or as the Court in any case shall direct, and shall subscribe such statement, and file the same in court ten days at least before the day appointed for the last examination, or adjournment thereof; and such statement may before such last examination be amended from time to time as occasion shall require and the Court shall direct; and the bankrupt shall make oath of the truth of such statement, whenever he shall be duly required by the Court so to do; and the last examination of the bankrupt shall in no case be passed unless his statement shall have been duly filed as aforesaid.

142. *Statement of accounts to be open to creditors.]* The statement of accounts, when filed in court, shall be open to the inspection of all creditors, who may take copies of and extracts from the same, subject to such regulations as General Orders shall direct; and an abstract thereof shall be printed, and a printed copy of such abstract shall be sent by post within a week from the filing thereof, by the official assignee, to each creditor who has proved.

143. *Official assignee to assist in preparing such statement; and to file therewith a report upon the state of bankrupt's affairs. Power to grant assistance to bankrupt to make out statement under special circumstances.]* In the preparation of such statement of his accounts the bankrupt shall be assisted by the official assignee, who shall prepare and file in Court, together with such statement, a report upon the state of the affairs of the bankrupt, setting forth such facts and particulars as may be required by the Court, or as it shall in the opinion of such assignee be important for the Court to be informed of: provided that if it shall in any case appear to the Court that there are special circumstances rendering it necessary that the bankrupt should be assisted in the preparation of such state-

ment of accounts by some person other than such official assignee, the Court may nominate some such person to assist the bankrupt in that behalf, and may allow to such person, out of the bankrupt's estate, such remuneration as to the Court, upon the taxation of such person's bill of costs, shall seem just; and in such case the statement so prepared shall have appended thereto a certificate signed by the person appointed to assist the bankrupt in the preparation thereof, expressing his approval or disapproval thereof, and the particulars and reasons of such disapproval.

As to proof of debts:

144. *When and how debts may be proved. Declaration for proof of debt.]* Every creditor of the bankrupt may, after adjudication, prove his debt, by delivering or sending through the General Post, before the appointment of the creditors' assignee, to the official assignee, and after such appointment to the creditors' assignee, a statement of such debt, and of the account, if any, between the creditor and the bankrupt, together with a declaration, signed by the creditor, appended thereto, that such statement is a full, true, and complete statement of account between the creditor and the bankrupt, and that the debt thereby appearing to be due from the estate of the bankrupt to the creditor is justly due; and all bodies politic and public companies incorporated, or authorised to sue or bring actions, may prove by an agent, provided such agent shall in his declaration declare that he is such agent, and that he is authorised to make such proof; and such declaration, signed by such creditor and agent respectively as aforesaid, shall be in such form as General Orders shall direct.

145. *False declaration a misdemeanor.]* Any person who shall wilfully and corruptly make any declaration for proof of debt as aforesaid, knowing the same, or the statement of account to which the same shall be appended, to be untrue in any material particular, shall be deemed guilty of a misdemeanor, and shall be liable to undergo the pains and penalties imposed upon persons guilty of wilful and corrupt perjury.

146. *Proof in court or in chambers, or before a registrar or by affidavit.]* Every creditor of the bankrupt may also after adjudication prove his debt, by deposition in court or in chambers, or before a registrar at any meeting of creditors elsewhere than in court, or by affidavit, upon his own oath, or upon that of any clerk or other person in his employment; provided that where such deposition or affidavit shall be made by any other person than the creditor, the deponent shall, in his deposition or affidavit, set forth that he is duly authorised by his principal to make the deposition or affidavit, and that it is within his own knowledge that the debt was incurred, and for the consideration stated, and that to the best of his knowledge and belief the debt still remains unpaid and unsatisfied.

147. *Official assignee to examine all statements of account and make out list of creditors who have proved.]* The official or creditors' assignee, as the case may be, shall examine all the statements of account aforesaid, and compare the same with the books, accounts, and other documents of the bankrupt, and shall from time to time make out a list of the creditors who have proved their debts, stating the amount and nature of such debts, which list shall be open to the inspection of any creditor who has proved under the estate.

148. *Power to examine upon oath alleged creditors, &c.]* The Court may, on the application of the assignee, or of any creditor, or of the bankrupt, or without any application, examine upon oath or otherwise any person tendering or who has made a proof, and may summon any person capable of giving evidence concerning such proof; and, in like manner, where the debt is tendered on affidavit or statement, as hereinbefore provided, may summon and examine on oath or otherwise the person who has made the affidavit or statement, and any other person capable of giving evidence concerning the debt sought to be proved.

149. *Proof for money, costs, &c., of which payment may be enforced by process of contempt.]* A person entitled to enforce against the bankrupt payment of any money, costs, or expenses by process of contempt issuing out of any court, shall be entitled to come in as a creditor under the bankruptcy, and prove for the amount payable under the process, subject to such ascertaining of the amount as may be properly had by taxation or otherwise.

150. *Proof for proportionate part of rent and other payments falling due at fixed periods.]* In all cases in which the bankrupt is liable to pay any rent or other payment falling due at fixed or stated periods, and the adjudication of bank-

ruptcy shall happen at any time other than one of such fixed or stated periods, it shall be lawful for the person entitled to such rent or other payment to prove for a proportionate part thereof up to the day of the adjudication of bankruptcy, in such manner as if the said rent or payment grew due from day to day, and not at such fixed or stated periods, as aforesaid.

151. *Proof in case of debt payable by instalments.*] If any bankrupt shall have contracted, before the filing of a petition for adjudication, any debt payable by way of instalments, the creditor may prove for the amount of such instalments remaining unpaid at the time of such petition.

152. *Proof in respect of distinct contracts.*] If any debtor shall, at the time of adjudication, be liable upon any bill of exchange or promissory note in respect of distinct contracts as member of two or more firms carrying on separate and distinct trades, and having distinct estates to be wound up in bankruptcy, or as a sole trader and also as the member of a firm, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof and receipt of dividend in respect of such distinct contracts against the estates respectively liable upon such contracts.

153. *Proof in respect of unliquidated damages.*] If any bankrupt shall at the time of adjudication be liable, by reason of any contract or promise, to a demand in the nature of damages which have not been and cannot be otherwise liquidated or ascertained, it shall be lawful for the Court acting in prosecution of such bankruptcy to direct such damages to be assessed by a jury, either before itself or in a court of law, and to give all necessary directions for such purpose; and the amount of damage, when assessed, shall be proveable as if a debt due at the time of the bankruptcy: provided that in case all necessary parties agree, the Court shall have power to assess such damages without the intervention of a jury or a reference to a court of law.

154. *Proof for premiums upon policies of insurance.*] If any bankrupt shall at the time of adjudication be liable by reason of any contract or promise to pay premiums upon any policy of insurance, or any other sum of money, whether yearly or otherwise, or to repay to or indemnify any person against any such payments, the person entitled to the benefit of such contract or promise may, if he think fit, apply to the Court to set a value upon his interest under such contract or promise, and the Court is hereby required to ascertain the value thereof, and to admit such person to prove the amount so ascertained, and to receive dividends thereon.

155. *How proof may be expunged or reduced.*] The Court may at any time expunge or reduce a proof of debt, on such application and such evidence as it shall think sufficient, and for that purpose may summon and examine upon oath or otherwise the person who has proved, and every person capable of giving evidence concerning the alleged debt, and may make such order as to the costs of any application as shall seem just.

156. *One year's parochial rates may be paid in full.*] The Court, out of the estate and effects of the bankrupt shall order payment of all such parochial rates as may be due from him at the time of his being adjudicated a bankrupt; provided such rates have become due during the twelve months immediately preceding the bankruptcy.

As to the discharge of the bankrupt:

157. *Classification of certificates abolished. Form of discharge where suspended, or bankrupt sentenced to imprisonment.*] From and after the commencement of this Act all classification of certificates shall be abolished; and in every case where the discharge of a bankrupt shall be suspended, such discharge, when allowed, shall simply state the period for which it was suspended, and the reasons for such suspension; and if the bankrupt shall have been sentenced to imprisonment by any court under the provisions of this Act the discharge shall also set forth the fact of such sentence and the period of such imprisonment.

158. *Appointment of sitting for considering question of granting order of discharge.*] After the bankrupt has passed his last examination, unless an order of discharge shall have been previously made as hereinbefore provided, the Court shall appoint a sitting for the purpose of considering the question of granting to the bankrupt such order. Fourteen days' notice of such sitting shall be given in the *London Gazette* and such newspapers as the Court shall direct. The assignee or any creditor who has proved may be heard against such discharge.

159. *Rules as to granting orders of discharge.*] In granting orders of discharge the following rules shall be observed:

1. If on the hearing of any application for an order of discharge the assignee or any creditor shall allege, and if with or without such allegation the Court shall be of opinion that there is ground for charging the bankrupt with acts or conduct amounting to a misdemeanor under this Act, the Court shall, if the bankrupt consent thereto, direct a clear statement in writing of the charge to be delivered to the bankrupt, and shall appoint a day for trying the bankrupt on such charge, and, if the bankrupt require it, shall summon a jury for such purpose, and may direct the creditors' assignee, or the official assignee, or any of the creditors of the bankrupt, to act as prosecutor on such trial: provided always, that in every case of accusation against a bankrupt of acts amounting to a misdemeanor, it shall be competent to the Court to direct that the bankrupt be indicted and prosecuted in one of the ordinary courts of criminal justice; and in all other cases the order of discharge shall take effect immediately from its date, subject to the appeal herein provided:
2. If on such trial by a jury or by the commissioners alone the bankrupt shall be convicted of any offence by this Act made a misdemeanor, the commissioner shall, in addition to the punishment awarded for the offence, have power to direct that the order of discharge be either wholly refused or suspended during such time and upon such conditions as he shall think fit:
3. If the bankrupt shall not be accused of acts amounting to misdemeanor, or if he shall have been accused and acquitted, but in either case there shall be made, or shall appear to the Court to exist, objection to the granting of an immediate discharge, the Court shall proceed to consider the conduct of the bankrupt before and after adjudication, and the manner and circumstances in and under which his debts have been contracted; and if the Court shall be of opinion that the bankrupt has carried on trade by means of fictitious capital, or that he could not have had at the time when any of his debts were contracted any reasonable or probable ground of expectation of being able to pay the same, or that, if a trader, he has, with intent to conceal the true state of his affairs, wilfully omitted to keep proper books of account, or, whether trader or not, that his insolvency is attributable to rash and hazardous speculation, or unjustifiable extravagance in living, or that he has put any of his creditors to unnecessary expense by frivolous or vexatious defence to any action or suit to recover any debt or money due from him, the Court may either refuse an order of discharge, or may suspend the same from taking effect for such time as the Court may think fit, or may grant an order of discharge subject to any condition or conditions touching any salary, pay, emoluments, profits, wages, earnings, or income which may afterwards become due to the bankrupt, and touching after-acquired property of the bankrupt, or may sentence the bankrupt to be imprisoned for any period of time not exceeding one year from the date of such sentence:

Provided always, that no person shall be liable by virtue of this Act to any criminal proceeding or penalty in respect of any matter which may have occurred before the passing of this Act to which he would not have been liable if this Act had not passed.

160. *Application for order of discharge where certificate of conformity has been refused.*] With respect to all persons heretofore bankrupt, and whose certificates of conformity shall have been refused, it shall be lawful for the Court, at any time after the expiration of three years from the time of, and notwithstanding such refusal, to hear and determine the application of any such bankrupt for an order of discharge, and thereupon, if the Court shall think fit, to grant an order of discharge, either absolute or subject to any condition or conditions, in the same manner as if the bankruptcy of such applicant had taken place after the commencement of this Act.

161. *Effect of order of discharge.*]—The order of discharge shall, upon taking effect, discharge the bankrupt from all debts, claims, or demands payable under his bankruptcy, save as herein otherwise provided; and if thereafter he shall be arrested, or any action shall be brought against him for any such debt, claim, or demand, he shall be discharged upon entering an appearance, and may plead in general that the cause of action accrued before he became bankrupt, and may

give this Act and the special matter in evidence; and the order of discharge shall be sufficient evidence of the bankruptcy, and the proceedings precedent to the order of discharge.

162. *Release of bankrupt when arrested after discharge.*] If a bankrupt, after the order of discharge takes effect, be arrested or detained in custody for a debt, claim, or demand proveable under his bankruptcy, where judgment has been obtained before the order of discharge takes effect, the Court, or a judge of a superior court of law, shall, on proof of the order of discharge, and unless there appear good reason to the contrary, direct the officer who has the bankrupt in custody to discharge him, which shall be done accordingly, without fee.

163. *Effect of order in case of partners, &c.*] The order of discharge shall not release or discharge any person who was a partner with the bankrupt at the time of the bankruptcy, or was then jointly bound, or had made any joint contract with him.

164. *Contract, &c., pending proceedings in bankruptcy, not binding on bankrupt.*] After the order of discharge takes effect, the bankrupt shall not be liable to pay or satisfy any debt, claim, or demand proveable under the bankruptcy, or any part thereof, on any contract, promise, or agreement, verbal or written, made after adjudication; and if he be sued on any such contract, promise, or agreement he may plead in general that the cause of action accrued pending proceedings in bankruptcy, and may give this Act and the special matter in evidence.

165. *Order to operate as a discharge from effects of process for contempt.*] The order of discharge shall discharge the bankrupt from the effects of any process issuing out of any court for contempt of any court for non-payment of money or of costs or expenses in any court, and from all costs which he would be liable to pay in consequence of or on purging his contempt; and a bankrupt in custody under any such process as aforesaid shall, on obtaining an order of discharge, be entitled to be discharged from such custody forthwith.

166. *Contract or security with intent to induce creditor to forbear opposition void. Proviso.*] Any contract, covenant, or security made or given by a bankrupt to other person, with, to, or in trust for any creditor, for securing the payment of any money as a consideration or with intent to persuade the creditor to forbear opposing the order for discharge, or to forbear to petition for a re-hearing of or to appeal against the same, shall be void, and any money thereby secured or agreed to be paid shall not be recoverable, and the party sued on any such contract or security may plead in general that the cause of action accrued pending proceedings in bankruptcy, and may give this Act and the special matter in evidence: provided always, that no such security, if a negotiable security, shall be void as against a *bond fide* holder thereof for value without notice of the consideration for which it was given.

167. *Obtaining money, goods, &c., as an inducement to forbear opposition, or to consent to allowance of discharge, penalty for.*] If any creditor of a bankrupt shall obtain any sum of money, or any goods, chattels, or security for money, from any person, as an inducement for forbearing to oppose, or for consenting to the allowance of the discharge of such bankrupt, or to forbear to petition for the recall of the same, every such creditor so offending shall forfeit and lose for every such offence the treble value or amount of such money, goods, chattels, or security so obtained.

168. *Re-hearing of order of discharge.*] The order of discharge, whether suspended or not, shall not be reviewed by the Court, unless the Court see good cause to believe that the order was obtained on false evidence, or by reason of the suppression of evidence, or otherwise fraudulently; in any of which cases the Court may, if it think fit, upon the application of the bankrupt or of a creditor who has proved, and subject to such deposit for costs, and to such notices, by advertisement or otherwise, as the Court shall think fit, grant a re-hearing of the matter, and re-hear it accordingly; and upon re-hearing the Court shall make such order as shall seem just, in like manner as it might upon an original hearing.

169. *If order suspended on re-hearing, subsequent creditors to prove first against subsequent property.*] If on such re-hearing the Court shall annul or suspend the order of discharge, all persons having *bond fide* become creditors of the bankrupt between the time of the order originally taking effect and the time of its being annulled or suspended on re-hearing, shall,

as against any property acquired by the bankrupt during the same period, and in priority to the original creditors, be admitted to prove and have dividends under the bankruptcy.

170. *Order, when to be drawn up.*] The order of discharge shall not be drawn up until after the expiration of the time allowed for appeal, or, if an appeal be brought, until after the decision of the Court of Appeal upon such appeal, and shall bear date either the day after the expiration of the time allowed for appeal, or the day of the decision of the Court of Appeal, as the case may require.

171. *Appeal against decision, whether granting or refusing an order of discharge.*] At any time within thirty days after any order of discharge shall have been allowed or refused, and subject to such order as to deposit of costs as General Orders shall direct, any creditor of the bankrupt, or any creditors' assignee, or the bankrupt, may, if the order of discharge has been made or refused by any commissioner or county court judge, apply to the Court of Appeal in Chancery that such order of discharge may be granted, or recalled and delivered up to be cancelled; and such Court may, on good cause shown, order such order of discharge to be granted, or to be recalled and cancelled.

172. *Form of order. Notice to be advertised.*] The order of discharge shall be in such form as General Orders shall direct, and shall be under the hand of the commissioner and the seal of the court; and notice of the granting thereof shall be advertised in the *London Gazette* and in two local papers.

As to audit:

173. *No public sitting for audit.*] No public sitting of the Courts shall be held for the sole purpose of auditing the accounts of the assignees, but such accounts shall be audited in such manner as is herein provided, or as General Orders shall direct.

As to dividend:

174. *Dividend.*] At the expiration of four months from the date of the adjudication of bankruptcy, or as much earlier as the Court shall appoint, the creditors' assignee shall submit to a meeting of creditors to be called for that purpose, and to be held before the registrar, of which meeting ten days' notice shall be given in the *London Gazette* and in two local newspapers, a statement of the whole estate of the bankrupt as then ascertained, of the property recovered, and of the property outstanding, specifying the cause of its being so outstanding, and of all the receipts, and of all payments thereout, made or to be made; and the official assignee shall, and any creditor who has proved may, attend and examine such statement, and compare the receipts with the payments; and upon ascertaining what balance is then in the Bank of England or other bank to the credit of the estate, the meeting shall, by resolution, declare whether any and what part of the net produce of the estate, after making a reasonable deduction for future contingencies, shall be divided amongst the creditors. At the same meeting the majority in value of the creditors present shall determine whether any and what allowance shall be made to the bankrupt out of his estate, if he has obtained or shall obtain a discharge.

175. *Assignee not to keep money in his hands.*] If upon such examination it shall appear that the creditors' assignee has kept in his hands at any time during the space of one week more than the sum of fifty pounds belonging to the estate, the creditors may, upon establishing such fact to the satisfaction of the Court, and if the assignee shall not show cause to the contrary, debit such assignee with interest for the amount so kept, at any rate not exceeding twenty pounds per centum by the year, for the time such monies were kept in his hands.

176. *Provision to be made for creditors residing at a distance: and for pending claims.*] In the calculation of a dividend it shall be imperative to make provision for debts which shall appear from the bankrupt's balance sheet to be due to persons resident in places so distant from the court that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed; and also for debts, the subject of claims not yet determined by the Court.

177. *Joint and separate dividend sittings.*] In every case where joint and separate estates have to be administered, and where the Court shall not otherwise direct, dividends of the joint and separate estates shall be declared at one and the same sitting, and notice of the time appointed for such dividends, when advertised, shall be given in one and the same

advertisement; and the costs, charges, and expenses of and incident to the sitting shall be apportioned by the assignee between the joint and separate estates as may appear to be fair and reasonable, having regard to the work done for and the benefit received by each estate; and a single fee, and no more, shall be payable to the solicitor to the estate in respect of the sitting.

178. *Dividend list to be prepared by official assignee.*] Within ten days after such meeting, or within such further time as the Court may allow, the official assignee shall prepare lists of creditors entitled to dividend, and shall calculate and set opposite to the name of each creditor who has proved under the estate (subject to the provision herein contained as to dividends reserved) the dividend to which he is entitled, out of the net produce of the estate so set apart for a dividend, and shall forward by post to every such creditor a statement of the dividend to which he is so entitled, and such dividends shall be paid at the Bank of England or otherwise in such manner as General Orders shall direct.

179. *Like proceedings at successive periods of four months.*] The like proceedings for the making up and auditing of the accounts of the estate, and the declaration and payment of a dividend, which are herein directed to be had at the expiration of four months from the adjudication of bankruptcy, shall be had at the successive expirations of every period of four months, or earlier, as the case may be, until the whole of the estate is divided amongst the creditors, and a dividend is declared to be final; provided that it shall be lawful for the majority in value of the creditors at any such meeting as aforesaid to postpone the period of declaring a dividend or at any time, in declaring a second dividend, to declare also that such second dividend shall be final, unless any action at law or suit in equity be depending, or any part of the estate be standing out not sold or disposed of, or unless some other estate or effects of the bankrupt shall afterwards come to the assignee, in which case he shall, as soon as may be, convert such estate and effects into money, and within two months after the same shall be so converted the same shall also be divided in manner aforesaid.

As to the discharge of the creditors' assignee:

180. *Effect of discharge.*] The order for discharge shall operate to release the creditors' assignee from all claims and demands of the creditors, or of any person who might have proved under the bankruptcy, subject nevertheless to such conditions, if any, as shall be expressed in such order of discharge.

181. *Unclaimed dividends, &c. to be paid into the Bank.*] Every creditors' assignee shall, before his discharge, transmit to the official assignee a list of unclaimed dividends on the estate, and of all debts remaining due to the estate, under his hand, and shall pay all monies and other estate of the bankrupt then in his hands into the Bank of England, to the account of the Accountant in Bankruptcy, to the credit of the estate.

182. *Official assignee to act after discharge of creditors' assignee.*] Where the creditors' assignee has obtained an order of discharge, the official assignee first appointed in the matter of the bankruptcy shall, as to any estate and effects of the bankrupt not realised at the time of such order of discharge, and as to all debts then remaining uncollected, and which shall not have been sold in manner herein provided, and as to any future acquired property of the bankrupt, if made liable to the creditors under the condition of discharge, represent the estate in all respects as the sole assignee thereof, and shall have and exercise all the rights, duties, powers, and authorities conferred by this Act upon official and creditors' assignees.

183. *Bank of England to receive from assignee and give a receipt for any sum mentioned in a certificate of the Accountant in Bankruptcy.*] The Accountant in Bankruptcy shall, on the application of any assignee, give to him a certificate stating the amount and description of any sum of money, notes, bills, or other negotiable instruments which he may be desirous of paying into the Bank of England under the provisions herein contained; and on the production of such certificate the Governor and Company of the Bank of England shall receive the sum therein mentioned, and such bills, notes, or other negotiable instruments, and give a receipt for the same, and shall forthwith carry the same to the credit of the Accountant in Bankruptcy; and every such certificate and receipt shall be given without fee or reward.

184. *Unclaimed dividends.*] All unclaimed dividends, save dividends declared before the passing of this Act, and all monies unclaimed, the produce of any bankrupt's estate, shall,

after the expiration of the period of twelve months from the dividend having been declared, or from the time at which any other monies unclaimed shall have come to the hands of the assignee, be transferred to the credit of "the unclaimed dividend account," subject to the order of the Court for the payment thereout of any dividend due to any creditor, or for the distribution of any such other unclaimed money; and the interest and profit arising from the said account shall from time to time be paid over to the account of the chief registrar.

At to change from bankruptcy to arrangement:

185. *Power for creditors to resolve that estate ought to be wound up under deed of arrangement, &c.; and proceedings stayed.*] At the first meeting of creditors held after adjudication in the manner herein provided, or at any meeting to be called for the purpose, and of which ten days' notice shall have been given in the *London Gazette*, three-fourths in number and value of the creditors present or represented at such meeting may resolve that the estate ought to be wound up under a deed of arrangement, composition, or otherwise, and that an application shall be made to the Court to stay proceedings in the bankruptcy for such period as the Court shall think fit.

186. *Resolution to be reported to the Court. Power for Court to confirm.*] The registrar shall report such resolution to the Court within four days from the date of such resolution; and the bankrupt, or any creditor nominated in that behalf by the meeting, may then apply to the Court that the proceedings in bankruptcy may be stayed in the terms of such resolution; and the Court, after hearing the bankrupt, and such creditors as may desire to be heard for or against the resolution, and if it shall find that the resolution was duly carried, and that its terms are reasonable, and calculated to benefit the general body of the creditors under the estate, shall confirm the same, and make order accordingly, and in such order shall give such directions as to the interim management of the estate as it shall deem expedient.

187. *Power for Court to make a declaration of complete execution of deed of arrangement; and to direct it to be registered; and to annul bankruptcy. Deed, if so registered, to be binding on creditors not executing.*] If the proceedings in bankruptcy be stayed as herein provided, the bankrupt, or any creditor nominated in that behalf by the meeting aforesaid, may, at any time within the period during which the proceedings are so stayed, produce to the Court a deed of arrangement, signed by or on behalf of three-fourths in number and value of all the creditors of the bankrupt; and the Court may consider the same, and may examine on oath the bankrupt and any of the creditors who may desire to be heard in support of or in opposition to the deed, and may make such other inquiry as it may think necessary; and if the Court shall be satisfied that the deed has been duly entered into and executed, and that its terms are reasonable and calculated to benefit the general body of the creditors under the estate, it shall by order make a declaration of the complete execution of the deed, and shall direct the same to be registered with the chief registrar, and shall also, if it thinks fit, annul the bankruptcy; and such deed shall thereafter be as binding in all respects on any creditor who has not executed the deed as if he had executed it, provided such deed be registered with the Chief Registrar in manner directed by the order.

188. *Court to have jurisdiction to entertain applications of bankrupt or any party to the deed respecting bankrupt's estate and affairs. Questions under the deed to be decided according to law of bankruptcy.*] Either before or after such order, the Court shall have jurisdiction to entertain any application of the bankrupt, or of any party to the deed, or of any creditor or person claiming to be a creditor, respecting the disclosure, distribution, inspection, conduct, management, or winding up of the bankrupt's estate and affairs, or any act or thing relating thereto, or respecting the execution of any of the trusts or provisions of the deed, or the audit or examination of the accounts of a trustee or inspector, or the taxation or examination of the costs or charges of any attorney, solicitor, accountant, auctioneer, broker, or other person acting or employed under the deed, or generally for the decision of any dispute or question, and shall also have jurisdiction to entertain any application of any such person as aforesaid, respecting any matter for the submission whereof to the Court provision is made by the deed, or any matter arising between any of the said persons, and any other person appearing and submitting to the jurisdiction of the Court; and the Court shall determine all questions arising under the deed according to the law and practice in bankruptcy, so far as they may be applicable, and on entertaining any such application

shall have power to make all such orders as shall seem just, and to enforce all such orders as in bankruptcy.

189. *Power of the Court to summon and examine bankrupt.* [c.] The Court shall have power, for the purpose of any application under these provisions, or for the better execution of any powers given to the Court thereby, to summon and to examine, upon oath or otherwise, the bankrupt, and any party to the deed, and any creditor or person claiming to be a creditor, and any person known or suspected to have any of the estate in his possession, or any person supposed to be indebted to the estate, or whom the Court may deem capable of giving any information material to the full disclosure of the debtor's transactions and affairs, or to the carrying into effect the provisions of the deed; and the Court may exercise, as to the examination of such persons, and the production by them of such books, papers, deeds, or documents as it shall deem requisite, the same powers that are vested in the Court with relation to the examination of persons and witnesses, and the production of books, papers, deeds, and documents, in matters of bankruptcy.

190. *Where bankruptcy to proceed as if no resolution had been passed.*] If the resolution aforesaid shall not be duly reported, or if the Court shall refuse the application to stay proceedings, or if the deed of arrangement shall not be duly produced, or if upon its production the Court shall not think fit to approve thereof, the bankruptcy shall proceed as though no such resolution had been passed; and the Court may make all necessary orders for resuming the proceedings in bankruptcy, and the period of time which shall have elapsed between the date of such resolution and the date of the order for resuming proceedings shall not be reckoned in calculating periods of time prescribed by this Act.

191. *Where bankruptcy annulled.*] If the bankruptcy be annulled, as herein provided, the order annulling the same shall be filed with the proceedings, and notice thereof shall be given in the *London Gazette*.

As to trust deeds for benefit of creditors, composition and insolvency deeds executed by a debtor:

192. *What deeds to be valid; and upon what conditions.*] Every deed or instrument made or entered into between a debtor and his creditors, or any of them, or a trustee on their behalf, relating to the debts or liabilities of the debtor, and his release therefrom, or the distribution, inspection, management, and winding up of his estate, or any of such matters, shall be as valid and effectual and binding on all the creditors of such debtor as if they were parties to and had duly executed the same, provided the following conditions be observed; that is to say,

1. A majority in number representing three-fourths in value of the creditors of such debtor whose debts shall respectively amount to ten pounds and upwards shall, before or after the execution thereof by the debtor, in writing assent to or approve of such deed or instrument.
2. If a trustee or trustees be appointed by such deed or instrument, such trustee or trustees shall execute the same.
3. The execution of such deed or instrument by the debtor shall be attested by an attorney or solicitor.
4. Within twenty-eight days from the day of the execution of such deed or instrument by the debtor the same shall be produced and left (having been first duly stamped) at the office of the Chief Registrar, for the purpose of being registered.
5. Together with such deed or instrument there shall be delivered to the Chief Registrar an affidavit by the debtor or some person able to depose thereto, or a certificate by the trustee or trustees, that a majority in number, representing three-fourths in value of the creditors of the debtor whose debts amount to ten pounds or upwards have in writing assented to or approved of such deed or instrument, and also stating the amount in value of the property and credits of the debtor comprised in such deed.
6. Such deed or instrument shall, before registration, bear such ordinary and *ad valorem* stamp duties as are herein-after provided.
7. Immediately on the execution thereof by the debtor, possession of all the property comprised therein, of which the debtor can give or order possession, shall be given to the trustees.

193. *Particulars of deed to be entered by the Chief Registrar. Copy of entry to be published in the Gazette.*] The date, names,

and descriptions of the parties to every such deed or instrument, not including the creditors, together with a short statement of the nature and effect thereof, shall be entered by the Chief Registrar in a book to be kept exclusively for the purposes of such registration. Such entry shall be made within forty-eight hours after the deed shall have been left with the registrar as aforesaid, and a copy of such entry shall be published in the *London Gazette* within four days after the making of such entry.

194. *Deed to be registered in the Court of Bankruptcy, and in default, not to be received in evidence.*] Every deed, instrument, or agreement whatsoever, by which a debtor, not being a bankrupt, conveys or covenants or agrees to convey his estate and effects, or the principal part thereof, for the benefit of his creditors, or makes any arrangement or agreement with his creditors, or any person on their behalf, for the distribution, inspection, conduct, management, or winding-up of his affairs or estate, or the release or discharge of such debtor from his debts or liabilities, shall, within twenty-eight days from and after the execution thereof by such debtor, or within such further time as the Court in London shall allow, be registered in the Court of Bankruptcy; and in default thereof shall not be received in evidence.

195. *Stamp duties on deeds.* *No deed to be registered unless so stamped.*] No deed or instrument whatever required to be registered as aforesaid shall be registered unless in addition to the ordinary stamp duty it also be impressed with or have affixed to it a stamp denoting a duty computed at the rate of five shillings upon every hundred pounds, or fraction of an hundred pounds, of the sworn or certified value of the estate or effects comprised in, or to be collected or distributed under, such deed or instrument: provided, that the maximum of *ad valorem* duty payable in respect of any such deed or instrument shall be two hundred pounds.

196. *Memorandum of registration.*] Every such deed, on being so registered as aforesaid, shall have a memorandum thereof written on the face of such deed, stating the day and the hour of the day at which the same was brought into the office of the Chief Registrar for registration.

197. *Jurisdiction of the Court, and rights and liabilities of the parties, after registration of deed.*] From and after the registration of every such deed or instrument in manner aforesaid, the debtor and creditors, and trustees, parties to such deed, or who have assented thereto or are bound thereby, shall in all matters relating to the estate and effects of such debtor be subject to the jurisdiction of the Court of Bankruptcy, and shall respectively have the benefit of and be liable to all the provisions of this Act, in the same or like manner as if the debtor had been adjudged a bankrupt, and the creditors had proved, and the trustees had been appointed creditors' assignees under such bankruptcy; and the existing or future trustees of any such deed or instrument, and the creditors under the same, shall as between themselves respectively, and as between themselves and the debtor and against third persons, have the same powers, rights, and remedies, with respect to the debtor and his estate and effects, and the collection and recovery of the same, as are possessed or may be used or exercised by assignees or creditors with respect to the bankrupt, or his acts, estate and effects in bankruptcy; and, except where the deed shall expressly provide otherwise, the Court shall determine all questions arising under the deed according to the law and practice in bankruptcy, so far as they may be applicable, and shall have power to make and enforce all such orders as it would be authorised to do if the debtor in such deed had been adjudged bankrupt, and his estate were administered in bankruptcy.

198. *Protection to debtor after notice of filing, &c., of deed.*] After notice of the filing and registration of such deed has been given as aforesaid, no execution, sequestration, or other process against the debtor's property in respect of any debt, and no process against his person in respect of any debt, other than such process by writ or warrant as may be had against a debtor about to depart out of England, shall be available to any creditor or claimant, without leave of the Court; and a certificate of the filing and registration of such deed under the hand of the Chief Registrar and the seal of the Court shall be available to the debtor for all purposes as a protection in bankruptcy.

199. *Stay of proceedings in bankruptcy after execution of deed, pending time allowed for its registration.*] In case any petition shall be presented for an adjudication in bankruptcy

against a debtor after his execution of such deed or instrument as is hereinbefore described, and pending the time allowed for the registration of such deed or instrument, all proceedings under such petition may be stayed, if the Court shall think fit; and in case such deed or instrument shall be duly registered as aforesaid, the petition shall be dismissed.

200. *Provision in case debtor cannot obtain assent of requisite majority of creditors.*] If a debtor cannot obtain the assent of a majority in number representing three-fourths in value of his creditors, by reason of his being unable to ascertain by whom bills of exchange, promissory notes, or other negotiable securities accepted, drawn, made, or endorsed by him are holden, or by reason of the absence of creditors in a foreign country, or other similar circumstances, it shall be sufficient if he obtain the consent of a majority in number representing three-fourths in value of all his other creditors to such deed or instrument as aforesaid; provided that notice shall have been inserted by or on behalf of the debtor in one or more newspapers published in the county or place at which he shall have carried on business immediately prior to the date of such deed or instrument, requiring his creditors to signify their assent to or dissent from such deed or instrument by notice in writing addressed to the trustee or trustees thereof within fourteen days from the insertion of such notice, and that the affidavit or certificate of the trustee or trustees shall state the circumstances of the case, and the same shall be allowed by the Court, and provided the deed or instrument be in such form as is expressed in schedule (D.) to this Act annexed, which shall vest all the estate and effects of the debtor in the trustees of such deed, and provided that all such other conditions as are hereinbefore required be duly complied with.

As to notices and advertisements:

201. *What notices to be sent by post. Proviso.*] All notices by this Act or by general order required to be served on any person shall be sent by post addressed to the last known place of business or abode of such person, subject to such regulations as to registration and otherwise as such General Order shall direct; provided that this present clause shall not apply to or affect notices by this Act or by any General Order required to be personally served.

202. *General Orders as to advertisements.*] General Orders respecting the form and contents of notices in the *London Gazette* and otherwise may provide for notices concerning more bankrupts than one being comprised in one advertisement, and may fix the price to be paid to the printer of the *London Gazette* for advertisements, which price the said printer is hereby required to receive as such payment.

As to evidence:

203. *Petitions and other proceedings in bankruptcy, and copies purporting to be sealed with the seal of the court, admissible in evidence.*] Any petition for adjudication or arrangement, adjudication of bankruptcy, assignment, appointment of official or creditors' assignee, certificate, deposition, or other proceeding or order in bankruptcy, or under any of the provisions of this Act, appearing to be sealed with the seal of any court under this Act, or any writing purporting to be a copy of any such document, and purporting to be so sealed, shall at all times, and on behalf of all persons, and whether for the purposes of this Act or otherwise, be admitted in all courts whatever as evidence of such documents respectively, and of such proceedings and orders having respectively taken place or been made, and be deemed respectively records of such court, without any further proof thereof; and no such copy shall be receivable in evidence unless the same appear to be so sealed, except where otherwise in this Act specially provided.

204. *Judicial notice to be taken of signature of commissioner or registrar and seal of court.*] All courts, judges, justices, and persons judicially acting, and other officers, shall take judicial notice of the signature of any commissioner or registrar of the courts, and of the seal of the courts, subscribed or attached to any judicial or official proceeding or document to be made or signed under the provisions of this Act.

205. *Forging signature of commissioner or officer, or seal of court, &c., felony.*] If any person shall forge the signature of any commissioner, registrar, or of the master or other officer of the court, or shall forge or counterfeit the seal of the courts, or knowingly concur in using any such forged or counterfeit signature or seal, for the purpose of authenticating any proceeding or document, or shall tender in evidence any such proceeding or document with a false or counterfeit signature of any such commissioner, registrar, master, or other officer,

or a false or counterfeit seal of the court, subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, every such person shall be guilty of felony, and shall be liable to the same punishment as any offender under the Act of the session of Parliament of the eighth and ninth years of the reign of her present Majesty, chapter one hundred and thirteen.

206. *Evidence as to insolvency.*] A copy of any petition filed in the Court for the Relief of Insolvent Debtors in England or in any court having jurisdiction for the relief of insolvent debtors, or in bankruptcy, in any of her Majesty's dominions, colonies, or dependencies, and of any vesting order, schedule, order of adjudication, or other proceedings, purporting to be signed by the officer in whose custody the same shall be or his deputy, certifying the same to be a true copy of such petition, vesting order, schedule, order of adjudication, or other order or proceedings, and appearing to be sealed with the seal of such court, shall at all times be admitted under this Act as sufficient evidence of the same, and of such proceedings respectively having taken place, without any other proof whatever given of the same.

As to affidavits, declarations, and affirmations:

207. *Affidavits, declarations, &c., before whom to be sworn. Judicial notice of seal or signature thereto.*] Any affidavit, declaration, or affirmation required to be sworn or made in relation to any matter under this Act may be lawfully sworn—

1. In England, Scotland, and Ireland, before any court acting in matters of bankruptcy, or before any registrar or taxing master thereof, or before any commissioner for administering oaths in Chancery or any of the superior courts of common law at Westminster, or before any officer of the High Court of Chancery, duly authorised to administer oaths in such court, or before a magistrate of the county, city, town, or place where any such affidavit shall be sworn;
2. In any colony, island, plantation, or place under the dominion of her Majesty, before any court, judge, or person lawfully authorised to take and receive affidavits, declarations, or affirmations;
3. In any foreign parts out of her Majesty's dominions, before a judge or magistrate, his signature being authenticated by the official seal of the court to which he is attached, or by a public notary, or before a British minister, consul or vice-consul:

And every such court, judge, officer, or other person is hereby authorised and required to administer the oath upon any such affidavit, or to take such affirmation or declaration; and all courts, judges, justices, commissioners, and persons acting judicially shall take judicial notice of the seal or signature (as the case may be) of any such court, judge, officer, or other person, attached, appended, or subscribed to any such affidavit or declaration, or to any other document to be used for the purposes of this Act, or of other acts in relation thereto.

208. *The courts of bankruptcy in England to be auxiliary for the purpose of taking affidavits, &c., to be used elsewhere.*] The Court of Bankruptcy in London, and the district courts of bankruptcy in England, are in like manner authorised and required to administer oaths, or to receive affirmations or declarations upon any affidavit or declaration or affirmation to be used in any matter of bankruptcy or insolvency under prosecution or hereafter to be prosecuted in any court in Scotland, Ireland, or in any colony, island, plantation or place under the dominion of her Majesty; and all such courts shall take judicial notice of any affidavit, declaration, or affirmation so sworn or made.

209. *As to fees on taking oaths, or making declarations, in bankruptcy.*] No fee shall be payable on the swearing of any oath, or the making of any affirmation or declaration, taken or made in the London court, or in any district court of bankruptcy, in any matter of bankruptcy, arrangement, or insolvency within the United Kingdom, or in any of her Majesty's dominions, colonies, or dependencies, and no fee or reward whatever shall be taken or received by any court or magistrate for or in respect of the taking of such oath, or the making of such affirmation or declaration, other than such fee or reward as General Orders shall allow.

210. *Affidavits by prisoners.*] Any affidavit of any prisoner in any of her Majesty's prisons or gaols in England, to be used in any matter under this Act, may be sworn before the visiting or other justices, or if within twelve hours none shall attend then before the gaoler of such prison or goal, and every such

justice or gaoler is hereby required and authorised to administer the oath upon any such affidavit without fee or reward.

211. *Bankrupts and bankrupts' wives to sign declaration in schedule (E.); not to exempt from examination upon oath.* [All bankrupts shall, and the wives of such bankrupts shall, when so required by the Court, make and sign the declaration contained in the schedule (E.) to this act annexed, but such declaration shall not in any case exempt such bankrupt or bankrupt's wife from being examined upon oath, if the Court or any creditor shall so require.

As to solicitors :

212. *Solicitors of the Court of Bankruptcy may practise as such, and appear and plead without counsel.* [Every solicitor of the High Court of Chancery, now or hereafter admitted as a solicitor of the Court of Bankruptcy, may practise as such solicitor in the said court or in any district court, and as to all matters before the commissioners or in chambers may appear and plead without being required to employ counsel; and in case any person not being such solicitor shall practise in the court as a solicitor he shall be deemed guilty of a contempt of court and be liable to all the penalties incident thereto.

As to costs :

213. *Power to award costs. Remedies for recovering costs. Order for costs must be registered under 23 & 24 Vict. c. 38.* [Any Court acting under this Act may in all matters before it award such costs as shall seem fit and just; and all costs so awarded shall be recoverable in the same manner as costs awarded by a rule of any of the superior courts at Westminster may be recovered, and the like remedies may be had, upon an order of such Court, for costs, as upon a rule of any of the said superior courts for costs; but no such order shall affect any lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless and until it shall be registered, and, if necessary, re-registered, pursuant to the provisions of the Act of the session of Parliament of the twenty-third and twenty-fourth years of the reign of her Majesty, chapter thirty-eight, any notice of any such order to any purchaser, mortgagee, or creditor in anywise notwithstanding.

As to orders of the Lord Chancellor and of the Court of Appeal in Chancery :

214. *Provisions of 1 & 2 Vict. c. 110, to be applicable to orders of the Lord Chancellor and Court of Appeal.* [The provisions of the Act of the session of Parliament of the first and second years of the reign of her Majesty, chapter one hundred and ten, so far as the same relate to orders of the Lord Chancellor, or of the Court of Review, therein referred to, in matters of bankruptcy, and the powers given by the same Act to the Lord Chancellor and the said Court of Review in matters of bankruptcy, shall extend to and be applicable to orders of the Lord Chancellor and of the Court of Appeal in Chancery sitting in bankruptcy under this Act.

As to the attendance of witnesses out of the jurisdiction :

215. *Provisions of 17 & 18 Vict. c. 34, as to attendance of witnesses out of jurisdiction, extended to Court of Bankruptcy.* [The provisions of an Act passed in the seventeenth and eighteenth years of the reign of her present Majesty, chapter thirty-four, intituled "An Act to enable the Courts of Law in England, Ireland, and Scotland to issue Process to compel the Attendance of Witnesses out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom," shall extend to and the powers thereof shall be exercised by the commissioners of the Court of Bankruptcy.

As to the powers for mutual aid of the courts in England and elsewhere :

216. *Courts in Scotland to be auxiliary to the Court in England in the examination of witnesses, &c. Proceedings for that purpose.* [The Court may direct the examination in Scotland of any person for the time being in Scotland, being a person believed to be capable of giving information in any matter in regard to the acts, estate, or dealings of any bankrupt or petitioner within the provisions of this Act, and the order for such examination may be directed in Scotland to the sheriff of the county in which the person to be examined is residing or happens to be for the time; and such sheriff may, in like manner as in examinations in any matter in bankruptcy before such sheriff, summon such person to appear before him, at a time and place to be specified in the summons, for examination upon oath, as witness or haver, and to produce any books, papers, deeds, or documents called for which may be in

his possession or power; and the sheriff may take such examination either orally or upon written interrogatories, and shall report the same in writing in the usual form to the Court, and shall transmit with such report either the original books, papers, deeds, or documents produced, or otherwise such copies thereof or extracts therefrom, authenticated by the sheriff, as he shall think fit or deem necessary; and in case any person so summoned shall fail to appear at the time and place specified, or appearing shall refuse to be examined or to make the production required, the sheriff shall proceed against such person, as a witness or haver duly cited, and failing to appear or refusing to give evidence, or make production, may be proceeded against by the law of Scotland; and the sheriff shall be entitled to such and the like fees, and the witness shall be entitled to such and the like allowances, as are allowed to commissioners under appointment from the Court of Session, and as witnesses and havers are entitled to in the like cases according to the law and practice of Scotland. If any objection be stated to the sheriff by the witness, either on the ground of his incompetency as a witness, or as to the production required to be made, or on any other ground whatever, the sheriff may dispose of such objection, or, if he think fit, report such objection to the Court, and suspend the examination of such witness until such objection has been disposed of by the Court.

217. *Courts in Ireland to be auxiliary in like manner.* [The Court may, in like manner, direct any such examination, in Ireland, of any person for the time being in Ireland, being a person believed to be capable of giving such information in any such matter under this Act; and such examination in Ireland may be directed to the Court of Bankruptcy in Ireland, which, for the purpose of such examination, and for the production of books, papers, deeds, or documents, shall have the like powers and authorities in all respects as relates to matters within this Act as are in the next preceding section given to sheriffs in Scotland, or as might be exercised by such Court in the case of a matter within its own jurisdiction.

218. *Where debtor who has been adjudged bankrupt, &c., in India or the colonies resides, or has property, in England, &c.; power to obtain adjudication in England, &c., and proceedings thereupon.* [If any person who shall have been duly adjudged or declared bankrupt or insolvent in India, or any of the foreign dominions, plantations, or colonies of her Majesty, shall be resident or shall be possessed of property in England, Ireland, or Scotland, or in any colony, plantation, or foreign possession of the Crown, it shall be lawful for the assignee, trustee, or other representative of the creditors of such bankrupt or insolvent to apply for and obtain an adjudication of bankruptcy, sequestration, or insolvency against such person in the Court of Bankruptcy in England, and in the proper court in Scotland, Ireland, and such colony, plantation, or foreign possession of the Crown respectively, and by virtue thereof the same order and disposition shall be had and taken with respect to the person and property of the bankrupt or insolvent, as would have been if he had been originally adjudged bankrupt or insolvent by the Court or Tribunal so applied to. Upon such application it shall not be necessary for the assignee, trustee, or other representative of the creditors of the person so declared bankrupt or insolvent as aforesaid to give proof of any act of bankruptcy or petitioning creditor's debt, or to produce any other evidence than a duly certified copy, under the seal of the Court, of the order or adjudication by which such person was found or adjudged bankrupt or insolvent.

219. *Orders in England to be enforced in Scotland and Ireland; and conversely.* [Any order made by the Court, or by any court in England, acting under this Act, in the course of the prosecution of any matter under this Act, shall be enforced in Scotland and Ireland in the courts that would respectively have had jurisdiction in respect of such matter if the residence or place of business of the debtor had been situate in Scotland or Ireland, and in the same manner in all respects as if such order had been made by the Courts that are hereby required to enforce the same; and in like manner orders, interlocutors, and decrees made by any Court in Scotland or in the course of any bankruptcy or insolvency shall be enforced in England and Ireland; and orders made by the Court in Ireland for or in the course of any such proceedings shall be enforced in England and Scotland by the Courts of Bankruptcy which would respectively have had jurisdiction in any such matter, and in the same manner in all respects as if such order had been made by the Court required to enforce the same in the case of a matter within its own jurisdiction.

220. Courts in England to be in like manner auxiliary to courts in Scotland, Ireland, and elsewhere.] The court and the district court in London, and the district courts in the country, shall in like manner be auxiliary, for all purposes of proof of debt, and for the examination of persons and witnesses upon oath, or for other like purposes, to the courts acting in matters of bankruptcy or insolvency in Scotland and in Ireland, and also to any court acting in such matters in any colony, island, plantation, or place under the dominion of her Majesty, or to any British judge elsewhere so acting.

As to misdemeanors under this Act:

221. Penalty on persons guilty of misdemeanors herein named.] From and after the commencement of this Act any bankrupt who shall do any of the acts or things following, with intent to defraud or defeat the rights of his creditors, shall be guilty of a misdemeanor, and shall be liable, at the discretion of the Court before which he shall be convicted, to punishment by imprisonment for not more than three years, or to any greater punishment attached to the offence by any existing statute:

1. If he shall not upon the day limited for his surrender, and before three of the clock of such day, or at the hour, and upon the day allowed him for finishing his examination, after notice thereof in writing, to be served upon him personally or left at his usual or last known place of abode or business, and after the notice herein directed in the *London Gazette*, surrender himself to the Court (having no lawful impediment allowed by the Court), and sign or subscribe such surrender, and submit to be examined before such Court from time to time.
2. If he shall not upon his examination fully and truly discover, to the best of his knowledge and belief, all his property, real and personal, inclusive of his rights and credits, and how and to whom, and for what consideration, and when he disposed of, assigned, or transferred any part thereof, except such part as has been really and *bond fide* before sold or disposed of in the way of his trade or business, if any, or laid out in the ordinary expense of his family, or shall not deliver up to the Court, or dispose as the Court directs of all such part thereof as is in his possession, custody, or power, except the necessary wearing apparel of himself, his wife and children; and deliver up to the Court all books, papers, and writings in his possession, custody, or power relating to his property or affairs:
3. If he shall, after adjudication, or within sixty days prior to adjudication, with intent to defraud his creditors, remove, conceal, or embezzle any part of his property to the value of ten pounds or upwards:
4. If, in case of any person having to his knowledge or belief proved a false debt under his bankruptcy, he shall fail to disclose the same to his assignees within one month after coming to the knowledge or belief thereof:
5. If he shall, with intent to defraud, wilfully and fraudulently omit from his schedule any effects or property whatsoever:
6. If he shall, after the filing of the petition for adjudication with intent to conceal the state of his affairs, or to defeat the object of the law of bankruptcy, conceal, prevent or withhold the production of any book, deed, paper, or writing relating to his property, dealings, or affairs:
7. If he shall, after the filing of the petition for adjudication, or within three months next before adjudication, with intent to conceal the state of his affairs, or to defeat the objects of the law of bankruptcy, part with, conceal, destroy, alter, mutilate, or falsify, or cause to be concealed, destroyed, altered, mutilated, or falsified, any book, paper, writing, or security, or document relating to his property, trade, dealings, or affairs, or make or be privy to the making of any false or fraudulent entry or statement in or omission from any book, paper, document, or writing relating thereto:
8. If, within the like time, he shall, knowing that he is at the time unable to meet his engagements, fraudulently and with intent to diminish the sum to be divided amongst the general body of his creditors, have made away with, mortgaged, encumbered, or charged any part of his property, of what kind soever, or if after adjudication he shall conceal from the Court or his assignee any debt due to or from him:
9. If, being a trader, he shall under his bankruptcy, or at any meeting of his creditors within three months next preceding the filing of the petition for adjudication, have

attempted to account for any of his property by fictitious losses or expenses:

10. If, being a trader, he shall, within three months next before the filing of the petition for adjudication, under the false colour and pretence of carrying on business and dealing in the ordinary course of trade, have obtained on credit from any person any goods or chattels with intent to defraud:

11. If, being a trader, he shall, with intent to defraud his creditors, within three months next before the filing of the petition for adjudication, pawn, pledge, or dispose of, otherwise than by *bond fide* transactions in the ordinary way of his trade, any of his goods or chattels which have been obtained on credit and remain unpaid for.

222. Jurisdiction and powers of commissioners in proceeding in respect of bankrupt guilty of any of offences hereinbefore named. Provisions of 11 & 12 Vict. c. 42, extended to this Act.] If it shall at any time appear to any Court under this Act that the bankrupt has been guilty of any of the offences in the next preceding section set forth, such Court shall have and may exercise such jurisdiction, rights, powers, and privileges, for the summoning, apprehending, committing, remanding, bailing, and otherwise proceeding in respect of such bankrupt, as are exercised by and vested in her Majesty's justices of the peace in respect of persons against whom a charge or complaint shall have been made before any one or more of the said justices in respect of any felony or indictable misdemeanor committed within the limits of the jurisdiction of such justice or justices; and all the provisions of the Act of the session of Parliament of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-two, shall, with such variations as the nature of the case may require, extend and apply to the Court, and to the commissioners of the London and other district courts of bankruptcy and to the judges of the county courts acting in matters under this Act, and their proceedings, as well as to justices of the peace and their proceedings.

223. Court may appoint prosecutor. Costs of prosecution.] The Court may direct that the creditors' assignee, or, if there be no creditors' assignee, the official assignee, or any of the creditors of the bankrupt, shall act as the prosecutor in respect of such offence, and shall give to such assignee or creditor a certificate of the Court having so directed, which certificate shall be deemed sufficient proof of such prosecution having been directed as aforesaid; and upon the production of such certificate the costs of such prosecution shall be allowed by the Court before which any person shall be prosecuted or tried in pursuance of such direction, unless such last mentioned Court shall specially otherwise direct, and when allowed by any such Court such sum so allowed shall be ordered by the said Court to be paid and borne in all respects in the same manner as the expenses of prosecutions for felonies are now paid and borne, and the same shall be paid and borne accordingly; and any expenses incurred by such prosecutor, other than those so defrayed in accordance with the next following clause, shall be paid out of the account intituled "The Chief Registrar's Account."

224. Power to Court to direct reference to Attorney-General.] The Court may direct the assignees to lay the papers before the Attorney-General (or the Solicitor-General during a vacancy in the office of Attorney-General) for his direction thereon, either while the bankruptcy is pending before the Court or when it has been brought to a conclusion.

225. Indictment.] In any indictment or information for any misdemeanor under this Act it shall be sufficient to set forth the substance of the offence charged, without alleging or setting forth any debt, act of bankruptcy, petition, or adjudication, or any summons, warrant, order, rule, or proceeding of or in any court acting under this Act.

Miscellaneous clauses:

226. Power for Court to commit persons wilfully disobeying any rule or order of Court.] If any person shall wilfully disobey any rule or order of the Court, duly made for enforcing any of the purposes and provisions of this Act, the Court may, by warrant in the form contained in the schedule (F.) to this Act annexed, commit the person so offending to the Queen's Prison, or to the common gaol of any county, city, or place where he shall be found or where he shall usually reside, there to remain, without bail or mainprise, until such Court, or the Court of Appeal in Chancery sitting in Bankruptcy, shall make order to the contrary.

227. Money forfeited under this Act, how to be sued for.] All sums of money forfeited under this Act, or by virtue of any conviction for perjury committed in any oath, affirmation, or declaration thereby directed or authorised, may be sued for by the creditors' assignee or trustee, or such other person as the Court shall by order direct, in any of her Majesty's superior courts of record.

228. Sections 114, 115, 116, and 117 of 9 & 10 Vict. c. 95, to apply to officers acting in execution of warrants and orders of the Courts.] The several provisions contained in the one hundred and fourteenth, one hundred and fifteenth, one hundred and sixteenth, and one hundred and seventeenth clauses of the Act passed in the ninth and tenth years of her Majesty, chapter ninety-five, shall apply to all officers of the court and of the county courts sitting in bankruptcy, who act in execution of warrants and orders of such courts, as if these several clauses had been enacted hereby.

As to the definition and explanation of terms:

229. Definition of terms, &c.] The terms and words herein-after enumerated or explained, wheresoever occurring in this Act, shall be understood as hereinafter defined or explained, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such definition or explanation; that is to say,

"Annulling."] "Annulling" shall mean also "superseding."

"Assignee."] "Assignee" shall mean the assignee of the estate and effects of the bankrupt or petitioner, chosen by the creditors; and until such assignee shall be chosen, or where no such assignee shall exist, shall mean the official assignee:

"Bank of England."] "Bank of England" shall mean also all branches or agents thereof:

"Bankrupt."] "Bankrupt" shall mean any person who shall have been under any former Acts, or who shall be by any Court under the provisions of this Act, adjudicated bankrupt:

"Commissioner," &c.] "Commissioner," and "Commissioner of the Court of Bankruptcy," shall include the judge of any county court entitled to act in bankruptcy under this Act:

"Court."] "Court," "the court," "the courts," shall mean the court in London, or any county district court, or any county court, acting under this Act, according as such several constructions shall be consistent with the context:

"Court of Bankruptcy."] "Court of Bankruptcy" shall mean her Majesty's Court of Bankruptcy constituted under this Act, and the commissioners thereof:

"Creditor."] "Creditor" shall mean also any two or more persons being partners, and incorporated and joint stock companies:

"Creditors present at any meeting."] "Creditors present at any meeting" shall include creditors who are represented by some person duly authorised by any such creditor in writing, and such authority shall not require a stamp:

"Gaoler."] "Gaoler" shall include the keeper or governor of any gaol or prison:

"Messenger."] "Messenger" shall mean also and include his assistant or assistants, duly authorised by him to act as his deputy or deputies, when acting under order of the Court:

"Metropolitan district."] "Metropolitan district" shall mean and include every parish the distance whereof as measured by the nearest highway from the General Post Office in London to the parish church of such parish shall not exceed twenty miles:

"Oath." "Affidavit."] "Oath," "affidavit," shall mean and include the declaration or affirmation of any person whom any Act of Parliament shall have authorised to make such declaration or affirmation in lieu of an oath:

"Petition for adjudication of bankruptcy."] "Petition for adjudication" or "petition in bankruptcy" shall mean

any petition by or against a debtor for adjudication of bankruptcy; and where in any Act of Parliament, instrument, document, or other proceeding granted, executed, or made before the commencement of this Act mention shall have been or shall be made of any fiat in bankruptcy or commission in bankruptcy, such Act, instrument, document, or proceeding shall be construed as though such fiat or commission had been a petition in bankruptcy under this Act, so far as the circumstances will admit:

"Petitioning creditor."] "Petitioning creditor" shall mean the creditor who filed the petition for adjudication:

"Property."] "Property" shall mean and include all the real and personal estate and effects of the petitioner or bankrupt within this realm and abroad (except as herein provided), and all the future estate, right, title, interest, and trust of such petitioner or bankrupt in or to any real or personal estate and effects, within this realm or abroad, which may revert, descend, be devised or bequeathed or come, and all debts due or to be due to him, before he shall have obtained his discharge:

"Prisoner."] "Prisoner" shall mean any person in actual custody within the walls, rules, or liberties of any prison in England for any debt, damages, costs, sum or sums of money, or for any contempt by reason of non-payment of any sum or sums of money or costs:

"Proper county court."] "Proper county court" shall mean the county court within the district of which the debtor has resided or carried on business during the six months next immediately preceding the time of filing a petition under this Act by or against him, or for the longest period during such six months:

"Sheriff."] "Sheriff" shall include sheriff substitute:

"Suit."] "Suit" shall include action at law and suit at equity or other proceeding:

"Trader."] For the purposes of this Act, all persons shall be deemed traders who prior to the commencement of this Act would have been liable to be adjudicated bankrupt under the laws of bankruptcy then in force:

"United Kingdom."] "United Kingdom" shall mean the United Kingdom of Great Britain and Ireland:

"Computation of time."] In all cases in which any particular number of days is prescribed by this Act, or shall be mentioned in any rule or order of court which shall at any time be made under this Act, for the doing of any act, or for any other purpose, the same shall be reckoned, in the absence of any expression to the contrary, exclusive of the first and inclusive of the last day, unless the last day shall happen to fall on a Sunday, Christmas-day, Good Friday, Monday and Tuesday in Easter week, or a day appointed for a public fast or thanksgiving, in which case the time shall be reckoned exclusive of that day also.

Concluding clauses:

230. Acts and parts of Acts in schedule. (G.) repealed.] The Acts and parts of Acts set forth in schedule (G.) to this act to the extent to which they are therein expressed to be repealed, and all other Acts or parts of Acts which are inconsistent with this Act, are repealed; but such repeal shall not affect any proceeding pending, or any right that has arisen or may arise, or any penalty incurred or that may be incurred, in respect of any transaction, act, matter, or thing done or existing prior to or at the commencement of this Act, under or by virtue of any of the Acts or parts of Acts repealed.

231. Limit of Act.] This Act shall not extend to Scotland or Ireland, unless where otherwise expressly provided.

232. Commencement of Act. Short Title.] This Act shall commence and take effect from and after the passing thereof, as to the appointment of the officers hereby authorised to be appointed, and as to all other matters and things, from and after the eleventh day of October, One thousand eight hundred and sixty-one, and shall be construed, together with so much of "The Bankrupt Law Consolidation Act, 1849," and "The Bankruptcy Act, 1854," as remain unrepealed, as one Act, and may be cited for all purposes as "The Bankruptcy Act, 1861."

SCHEDULES.

(A.)

To the persons filling the under-mentioned offices in the Court of Bankruptcy the following salaries shall be payable:—

	£
The Chief Registrar	1,400
The registrars acting in London, each	1,200
The registrars acting in the country, each ..	1,000
The registrar in attendance upon the Chief Judge	1,200
The Taxing Master	1,400
The Accountant in Bankruptcy	1,500
The Registrar of Meetings.....	250

The clerks in the several offices of the Accountant in Bankruptcy, the Chief Registrar, the Taxing Master, the Ushers of the Court, the Clerk and Trainbearer, Ushers and Assistant Ushers of the Lords Justices of the Court of Appeal in Bankruptcy, shall continue to receive the same salaries, and out of the same funds, as if this Act had not been passed.

(B.)

DOCUMENT.	Stamp duty in lieu of fees.
Every petition presented to a Court of Bankruptcy for adjudication of bankruptcy, or for arrangement between any debtor and his creditors.....	5 0 0
Every such petition when presented to the London Court or to a county court by traders whose debts do not exceed £300	1 0 0
Every order of discharge	1 0 0
Every declaration of insolvency	0 2 6
Every registration of trust deeds	0 10 0
Every summons of judgment debtor or debtor	0 2 6
Every admission of such debtor	0 2 6
Every deposition of good defence	0 2 6
Every bond with sureties	0 5 0
Every application for search for petition or other proceeding	0 1 0
Every application for any meeting in any matter under this Act	0 5 0
Every allocator by any officer of the court for any costs, charges, or disbursements, where such bill of costs shall not exceed £5	0 1 6
Exceeding £5 and not exceeding £10.....	0 2 6
" 10 " 20.....	0 5 0
" 20 " 30.....	0 7 6
" 30 " 50.....	0 10 0
" 50 " 100.....	0 15 0
" 100 " 150.....	1 0 0
" 150 " 200.....	1 10 0
" 200 " 300.....	2 0 0
" 300 " 500.....	3 0 0
" 500 " 	5 0 0

(C.)

Bankruptcy Act, 1861.

(In Bankruptcy.)

Warrant of committal of bankrupt or other party for unsatisfactorily answering, or for refusing to sign his examination.

Court of Bankruptcy.
Whereas E. F., the said [or G. H.,
of the] in the county of []
was, on the day of duly
sworn and examined in this court; and the said
was again, on the day of duly sworn and

examined in this court, as by the examination and deposition of the said [] now on the file of proceedings in this matter will appear:

And whereas the answers of the said [] as now so appearing in said examination and deposition, are unsatisfactory [or the said [] refused to sign and subscribe his said examination and deposition]:

These are therefore to authorise and require you, immediately upon the receipt hereof, to take into your custody the said [] and him safely convey to her Majesty's prison of [] and him there to deliver to the governor of the said prison, who is hereby authorised and required to receive the said [] into his custody there, and him safely keep and detain, without bail, until this Court, or the Court of Appeal in Chancery sitting in Bankruptcy, shall make an order to the contrary; and for so doing this shall be your sufficient warrant.

Given under the seal of this Court, this day of

18

J. K.,
Judge.

To and to
governor of the said prison, or his deputy there.

(D.)

This deed, made the day of between A. B. [the debtor], and C. D. and E. F. [the trustees], on behalf and with the assent of the undersigned creditors of A. B., witnesseth that A. B. hereby conveys all his estate and effects to C. D. and E. F. absolutely, to be applied and administered for the benefit of the creditors of A. B. in like manner as if A. B. had been at the date hereof duly adjudged bankrupt. In witness, &c.

Schedule of creditors.

(E.)

The Bankruptcy Act, 1861.

Form of declaration to be made by the bankrupt or the bankrupt's wife.

I, A. B., the person declared a bankrupt under a petition for adjudication of bankruptcy filed on the day of in the year of our Lord [or I, C. D., the wife of A. B.,] declared a bankrupt under a petition for adjudication of bankruptcy filed on the day of [] do solemnly promise and declare, that I will make true answer to all such questions as may be proposed to me respecting all the property of the said A. B., and all dealings and transactions relating thereto, and will make a full and true disclosure of all that has been done with the said property, to the best of my knowledge, information, and belief.

(Signed) A. B.
[or C. D., the wife of the said A. B.]

(F.)

The Bankruptcy Act, 1861.

Warrant against any person disobeying any rule or order of court.

Whereas by a rule [or an order] of this court, bearing date the day of made for enforcing the purposes and provisions of the Bankruptcy Act, 1861 [or if any other Act hereafter in force relating to the subject matters of this Act, or made or entered into by consent for carrying into effect any of such purposes or provisions, alter the recital accordingly], it was ordered, that [sc., sc., as in the rule or order]

And whereas it is now proved that after the making of the said rule [or order], that is to say, on this day of [REDACTED], a copy of the said rule [or order] was duly served on the said [REDACTED] personally, and the original rule [or order] at the same time shown to him, but the said [REDACTED] then refused [or neglected] to obey the same, and hath not as yet obeyed the said rule [or order]

ther with this precept, and the keeper of the said prison is hereby required and authorised to receive the said A. B. into his custody, and him safely to keep and detain, without bail or mainprise, until this Court, or the Court of Appeal in Chancery sitting in Bankruptcy, shall make order to the contrary; and for so doing this shall be your sufficient warrant.

Given under my hand and the seal of the court at the Court of Bankruptcy, London, this day of [REDACTED] in the year of our Lord One thousand eight hundred and

A. B. (L.S.)
Judge.

To [REDACTED] or his assistant, and to the keeper of her Majesty's prison [or gaol] of [or called] [REDACTED], or his deputy there.

(G.)

ACTS AND PARTS OF ACTS REPEALED.

Date of Act.	Title.	Extent of Repeal.
1 & 2 Vict. c. 110	An Act for abolishing Arrest on Meane Process in Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in England.	The whole, except sections 1 to 22, both inclusive
5 & 6 Vict. c. 116	An Act for the Relief of Insolvent Debtors.	The whole.
7 & 8 Vict. c. 96	An Act to amend the Laws of Bankruptcy, Insolvency, and Execution.	Sections 1 to 44, both inclusive, and sections 49 to 53, both inclusive.
10 & 11 Vict. c. 102	An Act to abolish the Court of Review in Bankruptcy, and to make Alterations in the Jurisdiction of the Court of Bankruptcy and Court for Relief of Insolvent Debtors.	The whole, except section 4.
12 & 13 Vict. c. 106	An Act to amend and consolidate the Laws relating to Bankrupts.	Sections 7, 8, 10, 14, 15, 16, 18, 20, 25, 26, 28, 36, 37, 39, 44, 45, 46, 48, 52, 54, 58, 59, 60, 61, 62, 69, 70, 72, 73, 75, 90, 91, 92, 93, 94, 96, 180, 183, 185, 187, 188, 189, 193, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, 211 to 231, both inclusive, sections 237, 239, 243, 244, 245, 246, 247, 249, 251, 252, 253, 255, 256, 257, 258, 259, 261, 266, 270, 271, 276, and 278, and such other parts of the said Act as may be inconsistent with this present Act.
15 & 16 Vict. c. 77	An Act to abolish the Office of Lord Chancellor's Chief Secretary of Bankrupts, and to regulate the Office of Chief Registrar of the Court of Bankruptcy.	Section 10.
17 & 18 Vict. c. 119	An Act for regulating Appointments to Offices in the Court of Bankruptcy, and for amending the Laws relating to Bankrupts.	Sections 3, 11, 12, 13, 14, 15, 20, 21, 22, 25, 26, 27.

(H.)

Medical Certificate.

I, the undersigned, being a (a) actual practice as a (b) that I, on the day of [REDACTED] at [REDACTED] in the county of [REDACTED] separately from any other medical practitioner, personally examined a prisoner for debt in the said gaol, and that the said is a (c) and a proper person to be taken charge of and detained under care and treatment, and that I have formed this opinion upon the following grounds—viz.

1. Facts indicating insanity observed by myself (d)

and being in hereby certify, the gaol of

(a) Set forth the qualification entitling the person certifying to practice as a physician, surgeon, or apothecary; ex. gen., Fellow in the Royal College of Physicians in London, Licentiate of the Apothecaries' Company, or as the case may be.

(b) Physician, surgeon, or apothecary, as the case may be.

(c) Lunatic or an idiot, or a person of unsound mind.

(d) Here state the facts.

2. Other facts (if any) indicating insanity, communicated to me by others (e)

(e) Here state the information, and from whom.

(Signed)

Name
Place of abode

Dated this day of [REDACTED]

One thousand eight hundred and

"THE BANKRUPTCY ACT, 1861."

24 & 25 VICT. C. 134, S. 45.

GENERAL ORDERS.

It is ordered as follows, that is to say,—

As to petitions.

1. *Petitions to be addressed to commissioners in rotation.* Petitions for adjudications of bankruptcy filed in the court in London shall forthwith after the filing thereof be directed by the Chief Registrar or registrar acting for him to the Commissioners of the court in rotation. A second petition by or against the same debtor either alone or jointly with any other person or persons, shall be directed to the Commissioner who shall have acted in the matter of the first petition, or to whom the same shall have been directed.

2. *Form of memorandum to be endorsed on petition for adjudication of bankruptcy under s. 70, 24 & 25 Vict. c. 134.* The memorandum required to be endorsed on a petition for adjudication of bankruptcy, before any adjudication shall be made under section 70 of the Bankruptcy Act, 1861, shall be as follows:—

Take notice.

"Within is a copy of a petition for adjudication of bankruptcy verified by the oath of the petitioner, and under the seal of her Majesty's Court of Bankruptcy in London [or 'for the —— district'], filed in the said court against you the within-named **E. F.** The said Court has ordered that you do appear on this petition at or before the expiration of — days after the day of service thereof. The petition will be heard at the said court at —, on the — day of —, at which time and place you are to appear by yourself or your solicitor on such petition.

"Dated the — day of —, A.D. —

"____ Registrar.

"____ Solicitor in the matter of

[Seal of the Court.] the within petition."

As to first meeting of creditors.

3. *Place of first meeting of creditors, s. 109, 24 & 25 Vict. c. 134.* If the petitioning creditor or any other creditor or the bankrupt desire that the first meeting of creditors under s. 109 of the Bankruptcy Act, 1861, should be held at any other place than the place where the Court of Bankruptcy having jurisdiction in the matter usually holds its sittings, application, supported by affidavit, must be made to the Commissioner, within seven days after adjudication. If such application be by any other person than the petitioning creditor, one clear day's notice thereof must be given to the petitioning creditor.

4. *Time within which a debtor petitioning for adjudication against himself must file the statement required by s. 93, 24 & 25 Vict. c. 134.* The statement required to be filed in court under sect 93 of the Bankruptcy Act, 1861, by every debtor petitioning for adjudication of bankruptcy against himself, and verified by the oath of the petitioner, shall be so filed and verified by such debtor within three days after filing his petition, or within such further time as the commissioner may, under special circumstances, allow, and shall be in the form specified in the schedule to these orders annexed; and if such statement be not so filed and verified, the said petition shall be dismissed.

As to judgment debtor summons.

5. *Application for judgment debtor summons must be supported by affidavit, ss. 76—85, 24 & 25 Vict. c. 134.* Every creditor applying for a judgment debtor summons shall file an

affidavit of debt, and such affidavit shall be in the form specified in the schedule 3 to these orders annexed.

6. *Form of judgment debtor summons, s. 76, 24 & 25 Vict. c. 134.* Every judgment debtor summons shall be in the form specified in the schedule 4 to these orders annexed.

7. *Notice to be endorsed on the summons.* [See 24 & 25 Vict. c. 134, ss. 76—85.] Every such summons shall be endorsed with a notice as follows:—

Notice to the party summoned.

"This summons is served upon you pursuant to the provisions of the Bankruptcy Act, 1861, and is founded on an affidavit of debt which was filed in the Court of Bankruptcy in London [or for the —— district, at —] on the — day of —, 186—, and you are hereby informed that, if after service of this summons, or due notice thereof, you do not pay the debt and costs within mentioned, or secure or compound for the same to the satisfaction of the creditor, then, on your appearance to this summons, or if you shall not appear, having no lawful impediment allowed by the Court, and in either case, without the presentation of a petition for adjudication or other proceeding, the Court may adjudge you bankrupt.

"This summons was issued by —, of —, solicitor for the plaintiff [or plaintiffs] within-named [or, if by a solicitor for a person entitled to receive money under a peremptory order, or interested in enforcing payment of it, alter accordingly].

o/r,

"This summons was issued in person by the plaintiff [or plaintiffs] within-named, who resides [or reside] at, &c. [mention the city, town, or parish, and also the name of the street and number of the house of the plaintiff's residence, if any such there be]."

8. *Service of summons.* Every such summons is to be served personally between the hours of nine o'clock in the forenoon and nine o'clock in the afternoon, unless the Court issuing the same shall in any case direct that service in some other manner shall be good service, in which case the order of Court in that behalf shall be served in like manner as the summons; and such summons is to be served four days at least before the time for appearance therein mentioned, and within two months from the date thereof, including the day of such date and not afterwards.

As to forms.

9. *Certain forms to be as set forth in schedules to these orders.* The several forms specified in schedules 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, inclusive, respectively to these orders annexed, for the several purposes therein stated, shall be observed, and used with such alterations as may be necessary to meet the circumstances of any particular case.

As to letters of attorney.

10. *Letter of attorney to act for creditors.* Every creditor may by letter of attorney, which may be in the form set forth in schedule (19), authorise the official assignee in the bankruptcy, or any other person, to represent him at any meeting of the creditors, and to vote for him on any question submitted to the creditors at such meeting, or any adjournment thereof, and also in the choice of the creditors' assignee.

11. *Petitions.* Petitions may be printed on paper or parchment. Under special circumstances the Commissioner or registrar may, if he shall think fit, receive a written petition.

As to the messenger.

12. *Messenger to act under official assignee, &c.* s. 108, 24 & 25 Vict. c. 134.] The official assignee in performing the duty required by sect. 108 of the Bankruptcy Act, 1861, shall act by the messenger of the court, who shall in all respects, but subject to the directions of the Court in any particular case, observe the directions of the official assignee in taking and retaining possession of the bankrupt's estate, and shall act as his deputy; and after the appointment of the creditor's assignee, the messenger shall act under his instructions in keeping or discontinuing possession.

13. *Security by messengers, s. 17, 24 & 25 Vict. c. 14.*] Each messenger of the Court of Bankruptcy shall give security to the extent of £1,000, and such security shall be either by way of a joint and several bond, with two sureties to be approved of by the Commissioner, to the Chief Registrar in the penal sum of £2,000,—or by way of the guarantee of any guarantee society established by charter or Act of Parliament in England. Where such security is by way of bond each messenger shall on the first day of January in every year, or within one week then next following, make a declaration in writing, to be filed with the Chief Registrar, that to the best of his knowledge and belief his sureties are alive and solvent, and in such declaration state to the best of his knowledge and belief any change of residence of any or either of such sureties. Where such security is by way of guarantee, the messenger shall within the like period produce and show to the Chief Registrar the receipt for the premium or premiums paid to such guarantee society during the preceding year.

Messenger to give notice of death to surety.] Where such security is by way of bond, the messenger shall on pain of dismissal give immediate notice in writing to the Chief Registrar of the death or bankruptcy of any or either of his sureties, and shall in such case, if required, cause a new bond to be executed to the like amount by another surety or sureties.

14. *Messenger to render account of fees to official assignee.*] The messenger shall from time to time render to the official assignee an account of the fees due to him (according to the existing scale) and of payments made by him for assistance in each bankruptcy, and such bill shall be taxed by the proper taxing officer, who shall certify separately the amount of fees due and the amount of additional payments proper to be allowed. The messenger and creditors assignee, if any, and if none the official assignee, may attend the taxation. The amount of such fees and additional payments shall be forthwith paid to the messenger by the assignee out of any monies belonging to the estate, or standing to its credit at the Bank of England, and if the same be insufficient, out of the first monies that shall come to his hands in respect of the estate. Each messenger shall quarterly, on the 13th of January, the 13th of April, the 13th of July, and the 13th of October in every year, transmit to the Chief Registrar an account of the fees received by him in the preceding quarter.

15. *Surplus of fees.*] On the 13th of October, 1862, and each succeeding 13th of October, every messenger shall render to the Chief Registrar an account of the fees received by him during the preceding year, and shall verify the same by oath, and after deducting his salary under the 32nd section shall day over the surplus to the credit of the Chief Registrar's account at such time and in such manner as the Chief Registrar shall direct.

16. *Inventory.*] It shall be the duty of the messenger to make an inventory of the bankrupt's estate in cases where such inventory shall be deemed requisite by the official assignee. No broker shall be employed for the purpose. Where such inventory has not been made prior to the choice of creditors' assignee, the inventory shall only be made upon an express direction in writing from the creditors' assignee.

As to matters to be heard in chambers.

17. *Business to be disposed of by Commissioners in chambers.* Sect. 51, 24 & 25 Vict. c. 134.] The following matters may, unless the Court shall in any case otherwise direct or allow, be heard and determined by the Commissioner in chambers, that is to say,—

Trader debtor summons.

Judgment debtor summons.

Petition for adjudication of bankruptcy on the petition of a creditor.

Disputed adjudication by debtor.

Applications.

To enlarge time for proceeding on petition for adjudication, or for bankrupt to surrender, or for last examination, or for leave to surrender, where time expired.

To release bankrupt from custody.

To pay taxes, or salary or wages, or sum in respect of apprentice fee.

To order letters to be re-directed or delivered to the official or creditors' assignee, or other person named in the order.

For leave to commence, prosecute, or defend any action or suit.

For order to bankrupt to join in any conveyance, &c.

For assignees to deliver up conveyance or agreement for conveyance, or lease or agreement for lease, or agreement for purchase of estate, in case assignees decline or refuse to elect to take the same.

To take mortgagee's account.

For order under sect. 114.

Questions as to costs referred to Commissioner by the taxing master.

To allow amendments, or copies or extracts of proceedings.

For investment of money or the sale or transfer of any stocks or securities belonging to the estate.

For appointing the bankrupt to superintend the management of his estate, or to carry on the trade for behoof of the creditors.

For sittings to examine parties or witnesses.

For order to mortgage or pledge any part of bankrupt's estate upon a resolution of creditors, under sect. 133.

For order to sell book debts under sect. 137, or for disposal or custody of books and papers, under sect. 138.

Any matter adjourned by the registrar for the consideration of the Commissioner, under sect. 52, or any point or matter arising in the course of proceedings before the registrar, and stated by him in a certificate to the Commissioner, and upon which any party is desirous of obtaining the opinion of the Commissioner, under sect. 53.

But if in any of the aforesaid matters, the contending parties shall all desire that any question be heard and decided in open court, or if the Commissioner shall be of opinion that any matter before him ought to be so heard and decided, it shall be adjourned for that purpose.

18. *Business to be disposed of by registrar in chambers, ss. 52 and 53, 24 & 25 Vict. c. 134.*] The following matters may, unless the Court shall in any case otherwise direct or allow, be heard and disposed of by the registrar in chambers, that is to say,—

Petitions for adjudication of bankruptcy.

Swearing affidavits.

Application for trader debtor's summons, or judgment debtor's summons.

Receiving the surrender of a bankrupt; granting protection therupon.

Giving requisite directions for notices and advertisements, &c.

Auditing and passing accounts of assignees.

Proceedings for declaration and payment of dividends.

Any of the following matters, when uncontested:—

Admitting, expunging, or reducing proofs or claims; ordering payment of taxes or salary or wages, or sum in respect of apprentice fee; ordering amendments or inspection or copies or extracts of any proceedings, and taking mortgagee's accounts, and giving leave to mortgagees to bid.

As to trust deeds for benefit of creditors; composition and inspectorship deeds executed by a debtor.

19. *Memorandum of particulars of deed to be entered by Chief Registrar.* Sect. 193, 24 & 25 Vict. c. 134.] In order to facilitate the making of entries under sect. 193, the attorney or solicitor or party producing such deed or instrument may deliver to the registrar a memorandum containing the following particulars, or as near thereto as may be:—

Memorandum of deed or other instrument to be registered pursuant to the Bankruptcy Act, 1861.

Title of deed, whether deed of assignment, composition, or inspectorship.

Date of deed.

Date of execution by debtor.

Name and description of the debtor as in the deed.
The names and descriptions of the trustees or other parties to the deed, not including the creditors.
A short statement of the nature of the deed.
And such memorandum shall be signed by the attorney or solicitor or party producing the deed.

Form of affidavit by debtor, &c., under s. 192, 24 & 25 Vict. c. 134.] The affidavit required by sect. 192 of the Bankruptcy Act, 1861, paragraph 5, may be in the following form:—

“THE BANKRUPTCY ACT, 1861.

“I, A.B. [the debtor or some person able to depose thereto] make oath and say as follows, that the deed or instrument now produced and marked with the letter A, bearing date the — day of —, and made between [state the parties to the deed not including the names of the creditors] being a deed [describe its nature] has been executed, or by writing, assented to or approved of by a majority in number, representing three-fourths in value of the creditors of me [the debtor, when the debtor deposes, or of — (the debtor, where some other person deposes)], whose debts amount to ten pounds or upwards, and I [the debtor, where the debtor deposes] verily believe that the amount in value of my property, credits, estate, and effects comprised in such deed is — [and where another person deposes he must state that after due inquiry made, to the best of his knowledge, information, and belief, the amount in value of the property, credits, estate, and effects of — the said debtor, comprised in such deed is —].”

Form of certificate by trustee in the Court of Bankruptcy.

Certificate by trustee, s. 192, 24 & 25 Vict. c. 134, par. 5.] The certificate required by s. 192 of the Bankruptcy Act, 1861, may be in the following form:—

“THE BANKRUPTCY ACT, 1861.

“I, the undersigned [if more than one trustee alter accordingly], being a trustee under a deed or instrument bearing date the — day of —, and made between [state the parties, not including the names of creditors], being a deed [describe the nature thereof], do hereby certify that a majority in number, representing three-fourths in value of the creditors of the said C.D. [debtor], whose debts amount to ten pounds or upwards, have executed or in writing assented to or approved of such deed or instrument; and I also certify that after full inquiry made to the best of my knowledge, information, and belief, the amount in value of the property, credits, estate, and effects of the said C.D. [debtor] comprised in such deed is —].”

Memorandum of registration to be endorsed on every deed, s. 196, 24 & 25 Vict. c. 134. Certificate of registration of deed, &c., s. 196, 24 & 25 Vict. c. 134.] The memorandum of registration required by the Bankruptcy Act, 1861, to be written on the face of every deed or instrument on being registered shall be in the following form:—

“THE BANKRUPTCY ACT, 1861.

“This deed or instrument was brought into the office of the Chief Registrar of the Court of Bankruptcy for registration on the — day of — at the hour of — on that day, and was duly registered pursuant to the provisions of “The Bankruptcy Act, 1861.”

“Certificate of Registration of Deed and Protection to Debtor.

“THE BANKRUPTCY ACT, 1861.

“I —, being the Chief Registrar of her Majesty’s Court of Bankruptcy, do certify that on the — day of — a certain deed or instrument bearing date the — day of —, and made and executed by and between [set forth parties, not including the names of the creditors], being a deed or instrument [set forth the nature and effect thereof] was on the — day of —, and at the hour of — on such day brought into my office for registration, and was duly registered pursuant to the provisions of the Bankruptcy Act, 1861. Given under my hand and seal of the court, at the Court of Bankruptcy, London, the — day of —, 1861.

[Seal of the Court.]

A.B.

“Note.—This certificate is available to the said A.B. [the debtor] for all purposes as a protection in bankruptcy.”

20. *Registration of deed under s. 187 or s. 194, 24 & 25 Vict. c. 134.]* If a deed be registered under sect. 187 or sect. 194 of the Bankruptcy Act, 1861, the above forms may be observed, so far as may be applicable.

As to prisoners for debt.

21. *As to prisoners for debt.*] The gaoler of every gaol situate within the metropolitan and London districts shall transmit the return required of him by sects. 100 and 104 to the Chief Registrar of the London court.

22. The gaoler of every gaol situate within a country district, but not situate in the county within which a country commissioner of bankruptcy usually holds his court, shall make the return required of him by sects. 100 and 104 to that county court having jurisdiction in bankruptcy within the jurisdiction of which the gaol is situate, and shall transmit the same to the registrar of such court.

23. The gaoler of every gaol situate in the country within which a district commissioner of bankruptcy usually holds his court shall make the return required of him by sects. 100 and 104 to such district court of bankruptcy, and transmit the same to the registrar of such court.

24. With respect to returns from gaolers of prisons within the metropolitan district, the Chief Registrar shall assign the same to the registrars of the London court in rotation, and they shall respectively attend the gaols the returns from which are so assigned to them respectively.

25. With respect to returns from gaolers of prisons within the London district (exclusive of the metropolitan district), the Chief Registrar shall assign such returns, and the duty of attending at the gaols therein mentioned to the registrars of the several county courts of the districts within which such gaols are severally situate, and the registrars shall respectively attend at such gaols accordingly.

26. The return and order required by sects. 100 and 101 of the Bankruptcy Act, 1861, may respectively be in the form following:—

“Gaoler’s Return.

“THE BANKRUPTCY ACT, 1861.

“Return made by —, gaoler of — gaol [or keeper or governor of — prison], in the county of —, this first day of —, 18 —, [or this second day of —, 18 —, the first day of the month being a Sunday], in pursuance of the above Act, of every person now within the walls, rules, or liberties of the said gaol [or prison], in custody upon any process whatsoever for or by reason of any debt, claim, or demand whatsoever, and not being within any of the exceptions mentioned in sect. 104 of the Bankruptcy Act, 1861.

1. Name of person detained, and date of his imprisonment.

2. Name and address of every creditor at whose suit such prisoner is imprisoned or detained.

3. Nature and amount of debt or demand, or debts and demands, for which such prisoner is detained in custody.

4. Whether such prisoner is willing or refuses to petition the Court of Bankruptcy, or is unable to do so by reason of poverty.

A true return,
(Signed) — gaoler,
[or keeper or governor].”

“THE BANKRUPTCY ACT, 1861.

“In the Court of Bankruptcy for the — district [or in the county court — for —].

“ — day, the — day of —, 18 —.
“I, A.B., a commissioner [or judge] of —, in pursuance of the power conferred upon me by the Bankruptcy Act, 1861, order that —, Esquire, a registrar of the Court of Bankruptcy [or —, gent, a registrar of the county court], do attend at — gaol [or prison] in the county of — at, — o’clock in the — noon, then and there to examine [here insert the name or names] return to me by — gaoler of the said gaol [or keeper or governor of the said prison] as a prisoner [or prisoners], confined in the said gaol [or prison] for debt, and to proceed theron and make order as the said Act directs.

“(Signed) — Commissioner [or judge].”

Notice of order.] And a copy of such order shall be forthwith sent through the General Post by the registrar therein named to the gaoler, and also to the execution and detaining creditors of every prisoner included in such return.

27. *Registrar's order after examination, &c.*] On the day named in such order the registrar shall attend at the prison and examine every prisoner included in such return pursuant to the directions contained in sect. 101 of the Bankruptcy Act, 1861, and if, upon the result of such examination, he shall think fit to make an order in pursuance of such section, such order may, *mutatis mutandis*, be in the following form:—

“THE BANKRUPTCY ACT, 1861.

“In the matter of —, late of —, in the county of —, and now a prisoner for debt in — gaol [or prison].

“Monday, the — day of —, 18—.

“Whereas in pursuance of an order of the Court of Bankruptcy for —] or of the county court for —], dated the — day of — 18—, I, being a registrar of the said court, attended on the day first above mentioned at — gaol [or prison], and thereto examined *A. B.*, of —, whose examination in writing is filed herewith, whereby it appears that the said *A. B.* being a trader had been in prison for debt [or as the case may be], at the suit of —, of —, for fourteen days [or, not being a trader had been in prison for debt, or as the case may be], at the suit of —, of —, for two calendar months, on the said — day of — [the day of the registrar's order], and that the last place of his abode and place of business [or place of abode] within six months of his imprisonment [or within —] was —.

“And having evidence before me of the service of notice of the said order of the said court upon the gaoler of the said gaol [or keeper or governor of the said prison], and upon the execution [and detaining] creditor, I do adjudge the said *A. B.* a bankrupt, and do declare that the said *A. B.* — became and was bankrupt on the — day of — [the day of the debtor's commitment or detention]; and I do hereby grant the said *A. B.* protection from arrest from any claim, debt, or demand now due or owing by the said *A. B.* And I do hereby order that the said *A. B.* be forthwith discharged from custody as aforesaid; and I do hereby direct that the said bankrupt be prosecuted in the court of bankruptcy for the — district [or in the county court for —].

“All which I certify.

“(Signed) — Registrar.”

28. *Registrar's certificate, to what court to be sent.*] In addition to the certificate which the registrar is directed to make, by the 101st section, to the court of which he is registrar, he shall, if a registrar of a county court at the same time, send a copy of his certificate to the Court of Bankruptcy having jurisdiction in the district where the gaol is situate, and if a registrar of the Court of Bankruptcy he shall send a copy of such certificate to the county court having jurisdiction over the same district.

29. *Meeting of creditors under bankruptcy of debtor on his own petition.*] Where adjudication of bankruptcy is made against a debtor on his own petition, or against a debtor in gaol without petition, the first meeting of creditors shall be holden on the 14th day after the day of such adjudication, unless such 14th day shall happen to be one of the days excepted by the 48th section, and in that case on the day after.

30. *Advertisements.*] Advertisements of adjudication and of the first meeting of creditors shall, in cases of adjudication against debtors on their own petition, and of adjudication against debtors in prison without petition, be published within four days after such adjudication in the *London Gazette* and

in such provincial newspaper or other publication as the Commissioner, judge, or registrar shall direct.

31. *Allotment of petitions in case of adjudication against prisoners. Appointment of official assignee and solicitor.*] Bankruptcies of prisoner debtors upon adjudication made by registrars which are to be prosecuted in the Court of Bankruptcy shall in the London district be allotted to the commissioners in rotation. Such allotment shall be made in London by the Chief Registrar or registrar acting for him. The Commissioner, upon each bankruptcy being allotted to him, shall appoint an official assignee to act in such bankruptcy after the first meeting of creditors, if no creditors' assignee be appointed, the Lord Chancellor shall appoint a solicitor to Act in the prosecution of the bankruptcy.

As to appeals.

32. *Appeals.*] All appeals to the Court of Appeal shall be brought on by motion, and no new evidence shall be received on any appeal unless the Court of Appeal shall on the hearing thereof so direct.

33. *Office of accountant for dividends, &c., to be open throughout the year.*] The office of the Accountant in Bankruptcy shall be open throughout the year for the payment of dividends and money orders, except on the days mentioned in the 48th section of the Act.

As to stamps.

34. *Defacing stamps.*] Every officer of the Court of Bankruptcy who shall receive any document to which a stamp shall be affixed, or upon which a stamp shall be impressed, shall immediately upon the receipt of such document deface the stamp thereon, by writing or impressing upon such stamp the words “Court of Bankruptcy;” and no such document shall be filed or delivered until the stamp thereon shall have been defaced in manner aforesaid, and it shall be the duty of the party presenting such document to see that such defacement has been duly made.

As to shorthand writers.

35. *Shorthand writer, s. 61, 24 & 25 Vict, c. 134.*] Whenever a shorthand writer shall be employed pursuant to s. 61 of the Bankruptcy Act, 1861, such shorthand writer shall if required within (two) days after the taking of any examination, or the evidence of parties, deliver to the registrar a faithful and true transcript of such examination or evidence, and shall be paid in respect thereof a fee of one guinea for attendance, and 8d. per folio of every (90) words contained in such transcript, and such payment shall be made by the party on whose application the employment of a shorthand writer has been directed by the Court, or, if the Court thinks proper out of the estate.

The shorthand writer shall be appointed by the Commissioner or judge.

36. *Until further order, and in cases where applicable, the rules and orders of the 19th October, 1852, &c., to be acted upon.*] Until further order and in cases not otherwise provided by these orders the rules and orders in bankruptcy bearing date respectively the 19th October, 1852, the 3rd February, 1855, the 19th May, 1855, the 19th June, 1856, and the 24th March, 1857, shall, where applicable, and with such variations in the forms specified in the schedules thereof as may be necessary, be acted upon for the several purposes mentioned in the 45th section of the Bankruptcy Act, 1861.

WESTBURY, C.

JOHN S. M. FONBLANQUE, Commissioner.

EDWARD HOLROYD, Commissioner.

M. D. HILL, Commissioner.

SCHEDULES REFERRED TO IN THE FOREGOING ORDERS.

SCHEDULE 1.

THE BANKRUPTCY ACT, 1861.

Petition by a creditor for adjudication of bankruptcy.

To the Court of Bankruptcy, for the —— district.

The humble petition of ——.

Showeth,

That —— having resided [or carried on business, *as the case may be*] for six [or for the longest period, that is to say, —— months during six] calendar months next immediately preceding the date of this petition, within the district of this honourable Court, that is to say, at [insert the name of the place], is indebted to your petitioner in the sum of —— [preceded as in the form now in use].

SCHEDULE 2.

THE BANKRUPTCY ACT, 1861.

Petition by a debtor for adjudication of bankruptcy against himself.

To the Court of Bankruptcy for the —— district.

The humble petition of ——.

Showeth,

That your petitioner having resided [or carried on business, *as the case may be*] for six [or for the longest period, that is to say, —— months during six] calendar months next immediately preceding the date of this petition, within the district of this honourable Court, that is to say, at —— [insert the name of the place] is unable to meet his engagements with his creditors: [If the petitioner be in prison, add, "and that your petitioner being a prisoner in (state the prison or gaol) has given notice in writing to the keeper of such gaol (or prison) of his intention to file this petition."]

Your petitioner therefore humbly prays that adjudication of bankruptcy may be made against him. And your petitioner shall ever pray, &c.

Signed by the petitioner on the —— day —— 18—, in the presence of ——, solicitor in the matter of this petition.

If the petitioner knows or verily believes that the debts justly due and payable in bankruptcy against his estate amount in the whole to a sum not exceeding £300, such fact should be stated on oath by the petitioner in his affidavit of the truth of the allegations in the petition thus, "And this deponent further saith, that he verily believes the debts justly due and payable in bankruptcy against his estate amount in the whole to a sum not exceeding £300."

If the petition be by partners alter the form accordingly, and state the names of the several petitioners in the attestation or attestations relating thereto respectively.

If the petition be in forma pauperis, the affidavit required by sect. 98, 24 & 25 Vict. c. 134, should be annexed.

SCHEDULE 3.

THE BANKRUPTCY ACT, 1861.

Affidavits for summoning a judgment debtor.

Sects. 76, 77, 78, and 90.—24 & 25 Vict. c. 134.

In the Court of Bankruptcy, London.

(Or, "In the Court of Bankruptcy for the —— District, at ——.")

I, A. B., of ——, make oath and say as follows:—

First, I say that C. D. is justly and truly indebted to me in the sum of £— upon and by virtue of a judgment of the Court of —— for the said sum of £—, recovered by me against the said C. D. on the —— (a) day of —— last past, and of which said sum the sum of £— exclusive of costs, is due to me, and the sum of £— for taxed costs is due to me, making together the said sum of £—.

Second, I say that I verily believe that I am entitled to sue out against the said C. D. a writ of *capias ad satisfaciendum*, or to charge him in execution in respect of the said debt.

Third, (b) I say that I have known the said C. D. for the space of —— now last past, during which time the said C. D. did use and exercise the said trade of [here insert the particular trade], and sought to get his livelihood thereby, as others of the same trade usually do.

Fourth, (c) I say that the said C. D. usually lives [or, "as I am informed and believe, now is,"] within the district of this honourable Court, that is to say, at —— [or "as I am informed and believe, is not in England," but I say that the usual or last known place of abode of the said C. D. in England was at ——.]

Sworn at, &c.

The following form to be used in cases of disobedience to decree in equity or order in bankruptcy, insolvency, or lunacy.

In the Court of Bankruptcy, London.

(Or "In the Court of Bankruptcy for the —— district, at ——")

We, A. B., of ——, and C. D., of ——, severally make oath and say:—

First, I, A. B., for myself say that E. F. is justly and truly indebted to me in the sum of £— upon and by virtue of a decree of the High Court of Chancery [or "an order of the Lord High Chancellor," or "of the Right Honourable the Master of the Rolls," or "of his Honour Vice-Chancellor —," &c., &c., bearing the date of the —— day of ——, and made in a certain suit then pending, wherein I, the said A. B., was plaintiff and the said E. F. defendant, [or in a certain matter in bankruptcy, insolvency, or lunacy,] whereby the said E. F. was decreed [or "ordered,"] to pay to me the sum of £— exclusive of costs, and the sum of £— for taxed costs [give the substance of the decree or order], making together the said sum of £—, and upon which a peremptory order made by the said Lord Chancellor, [or, &c.,] was obtained by me on the —— day of ——, directing, &c., as in the peremptory order [paraphrases as to the trading and residence deposited to by the creditor or some other person, here follow. If the summons be not applied for until after the expiration of two calendar months after service on the debtor of the peremptory order, or such order having been duly served after the expiration of seven days after the day fixed by the peremptory order for payment (which shall last happen), the paragraph as to the trading may be omitted.—See sect. 77.]

Second, I, C. D., for myself say that I did on the —— day of —— duly serve the said E. F. with a true copy of the said decree [or "order"], by delivering to or leaving the same with the solicitor [or "a clerk of the solicitor"] of the said E. F. at his office at ——.

Third, I, C. D., further say that I did, on the —— day of ——, personally serve the said E. F. with a true copy of the said peremptory order.

Fourth, I, A. B., further say that the said E. F. has not paid, or secured, or tendered, or compounded for the said debt, but the said debt still remains wholly due and unpaid.

Sworn by ——, at ——.

(a) The day of signing final judgment, which must be after the passing of "The Bankruptcy Act, 1861."

(b) If the summons be not applied for until after the expiration of one calendar month from the signing of judgment, this paragraph may be omitted.

(c) If the residence or the trading be sworn to by some other person, after the affidavit accordingly.

SCHEDULE 4.

THE BANKRUPTCY ACT, 1861.

Summons of judgment debtor, sect. 76, &c., 24 & 25 Vict. c. 134.

These are to will and require you to whom this summons is directed, personally to be and appear before the Commissioner in attendance in chambers, at the Court of Bankruptcy in Basinghall-street, in the city of London [or at the Court of

Bankruptcy for the —— district at ——, in the county of ——, on the —— day of ——, at — o'clock, to be examined respecting your ability to satisfy a debt of £—, claimed of you by A. B. of — (a), upon and by virtue of a judgment of the Court of — for the said sum of £—, recovered by the said A. B. against you on the —— day of —— last, and of which said sum the sum of (b) £—, exclusive of costs, is sworn to be due from you to the said A. B., and the sum of £— for taxed costs, making together the said sum of £—. You are to be examined also for the discovery of property applicable to satisfy the said debt. You are moreover to observe the (c) notice endorsed hereon and hereof you are not to fail at your peril.

Given under my hand and the seal of the court, the day of ——, in the year of our Lord ——.

(Signed)

To E. F. of ——

— Registrar.

[Seal of the Court.]

(a) If upon a decree in equity, &c., say "upon and by virtue of a decree" (or "order") and peremptory order, dated respectively the — day of — and the — day of —, and sworn to have been duly served upon you, whereby you were directed to pay to the said A. B. the sum of £— exclusive of costs, and the sum of £— for taxed costs, making together the said sum of £—.

(b) The debt, exclusive of costs, must not be under £50.

(c) See Order 7.

Creditors.		Amount of Debts, after deducting the Value of Property comprised in Mortgages, Securities, or Liens.	Debts secured by Mortgages or other available Securities or Liens, showing the Amount secured, and the Value or estimated Value of the Property comprised therein.	Causes of the Petitioner's inability to meet his engagements.
Names.	Residences.			

To be signed by the petitioner.

SCHEDULE 6.

THE BANKRUPTCY ACT, 1861.

Affidavit of truth of statement to be filed under sect. 93.

— day of — A.D. —.

E. F., of —, in the — of —, the petitioner named in the statement hereunto annexed, maketh oath and saith, that the said statement contains a full, true, and accurate account of his debts and liabilities of every kind, reckoned as required by the Bankruptcy Act, 1861, and the General Orders in Bankruptcy, and of the names and residences of his creditors, and of the causes of his inability to meet his engagements.

Sworn at, &c.

Before me —.

SCHEDULE 7.

THE BANKRUPTCY ACT, 1861.

Declaration of insolvency by debtor. Sect. 72. (24 & 25 Vict. c. 134.)

I, the undersigned E. F., of —, do hereby declare that I am unable to meet my engagements with my creditors.

Dated at the hour of — [in the forenoon, or at noon, or in the afternoon, as the case may be], this — day of —, in the year of our Lord —.

Witness,

(Signed) E. F.
G. H., Registrar of the Court of Bankruptcy, —
[or, attorney or solicitor of the Court of —.]

SCHEDULE 8.

THE BANKRUPTCY ACT, 1861.

Order for substituted service of judgment debtor summons when the debtor is in England but cannot be found. —24 & 25 Vict. c. 134, s. 79.

In the Court of Bankruptcy, London,
(Or, "for the — district at —.")

Ex parte —, In the matter of —,

— day of — 1861.

Upon the application of — [of counsel or solicitor] for —, and upon proof to the satisfaction of the Court that E. F., the debtor named in the summons hereunto annexed, is in Eng-

SCHEDULE 5.

THE BANKRUPTCY ACT, 1861.

Form of the statement to be filed in court by every debtor petitioning for adjudication of bankruptcy against himself, and to be verified by the oath of the petitioner, under sect. 96, 24 & 25 Vict. c. 134.

N.B.—This is to be a full, true, and accurate statement, verified by the oath of the petitioner, of his debts and liabilities of every kind, and of the names and residences of his creditors, and of the causes of his inability to meet his engagements, reckoning as debt:—
1. *Sums due to creditors holding mortgages or other available securities or liens, after deducting the value of the property comprised in such mortgages, securities, or liens.*
2. *Such interest and costs as shall be due in respect of any of the debts.*

But not reckoning:—

1. *The amount of the debts in respect of which the petitioner has already taken the benefit of insolvency, protection, or bankruptcy.*
2. *Debts barred by any statute of limitations.*

The statement must be filed and verified within three days after filing the petition for adjudication, and in default thereof the petition will be dismissed.

A full, true, and accurate statement verified by the oath of the petitioner, of the debts and liabilities of every kind, reckoned in manner above directed, of — of —, a debtor petitioning for adjudication of bankruptcy against himself, and of the names and residences of his creditors, and of the causes of his inability to meet his engagements.

Creditors.	Amount of Debts, after deducting the Value of Property comprised in Mortgages, Securities, or Liens.	Debts secured by Mortgages or other available Securities or Liens, showing the Amount secured, and the Value or estimated Value of the Property comprised therein.	Causes of the Petitioner's inability to meet his engagements.
Names.	Residences.		

land but is not to be found, it is hereby ordered by the Court that service of the said summons, &c. [stating the mode] shall be good service.

By the Court, — Registrar.

SCHEDULE 9.

THE BANKRUPTCY ACT, 1861.

Order for mode of service of judgment debtor summons, where the debtor is not in England. —24 & 25 Vict. c. 134, s. 79.

In the Court of Bankruptcy, London.
(Or, "for the — district at —.")

Ex parte —, In the matter of —,

— day of — 186—.

Upon the application of — [of counsel or solicitor] for —, and upon proof to the satisfaction of the Court that E. F., the debtor named in the summons hereunto annexed, is not in England, and that service in the manner and form hereinbefore mentioned will be effectual to give notice to the said E. F., it is hereby ordered by the Court that service of the said summons shall be made by, &c. [stating the mode]; and it is hereby further ordered that (a) the time and place at which the said E. F. is required to appear by the said summons, shall be the time and place for the appearance of the said E. F. under this order, and such time and place is hereby appointed accordingly.

By the Court, — Registrar.

(a) If any other time be appointed, after form accordingly.

SCHEDULE 10.

THE BANKRUPTCY ACT, 1861.

Order for notice of judgment debtor summons in Gazette and newspapers, where service of the summons cannot be effected. —24 & 25 Vict. c. 134, s. 81.

In the Court of Bankruptcy, London.
(Or, "for the — district at —.")

Ex parte —, In the matter of —,

— day of — 186—.

Upon the application of — [of counsel or solicitor] for —, and upon proof to the satisfaction of the Court that E. F., the debtor named in the summons hereunto annexed, is keep-

ing out of the way to avoid service thereof, and that service of the said summons cannot be effected, it is hereby ordered that a notice be inserted [*stating the number of times*] in the *London Gazette*, and in [*stating the newspapers*], requiring the said *E. F.* personally to be and appear before [*etc. as in the summons*] on the (a) day of — at — o'clock, to be examined respecting his ability to satisfy a debt of [*etc. as in the summons*], and for the discovery of property applicable in that behalf; and it is further ordered, that by such advertisement the said *E. F.* be informed, that if after service of the said summons or due notice thereof by the said advertisement, he does not pay the said debt and costs, or secure or compound for the same to the satisfaction of the creditor, then on his appearance to the said notice in the said *gazette* and newspapers, or, if he shall not appear, having no lawful impediment allowed by the Court, and in either case without the presentation of a petition for adjudication or other proceeding, the Court may adjudge the said *E. F.* bankrupt.

By the Court, — Registrar.

(a) This must be a day not less than fourteen days after publication of the first notice.

SCHEDULE 11.

THE BANKRUPTCY ACT, 1861.

Advertisement of notice in London Gazette, &c., where service of judgment debtor summons cannot be effected.

In Bankruptcy:—Statutory notice of judgment debtor summons.—

To *E. F.* of —.

Take notice that a judgment debtor summons, dated the — day of —, was issued by — of —, attorney for the plaintiff [*or plaintiffs*] hereinafter named [*or by the plaintiff or plaintiffs hereinafter named*] who resides at — *etc.* [*as endorsed on the summons*], and is under seal of her Majesty's Court of Bankruptcy in London [*or her Majesty's Court of Bankruptcy for the — district*], requiring you personally to be and appear before, *etc.* on the — day of —, at — o'clock, to be examined respecting your ability to satisfy a debt of, *etc.* [*as in the summons*], and for the discovery of property applicable in that behalf. And whereas it has been proved to the satisfaction of the said Court of Bankruptcy, that you have been keeping out of the way to avoid service of the said summons, and that service thereof cannot be effected: this notice is given by order of the same Court, and in pursuance of the Bankruptcy Act, 1861, and you are hereby required personally to be and appear before the Commissioner in attendance in chambers at the same court at —, on the — day of —, at — o'clock, to be examined respecting your ability to satisfy the said debt and for the discovery of property applicable in that behalf; and you are hereby informed that if after service of the said summons or notice thereof by this advertisement, you do not pay the said debt and costs, or secure or compound for the same to the satisfaction of the creditor, then, on your appearance to this notice, or, if you shall not appear, having no lawful impediment allowed by the Court, and in either case without the presentation of a petition for adjudication, or other proceeding, the Court may adjudge you bankrupt.

— Registrar.

— Solicitor for the said *A. B.*

SCHEDULE 12.

THE BANKRUPTCY ACT, 1861.

Adjudication of bankruptcy on proceeding under judgment debtor summons.

In the Court of Bankruptcy, London.

(*Or, for the — district at —.*)

— day of —, 186—.

I, —, a commissioner [*or registrar*] of the said court, upon good proof upon oath before me this day had and taken, do find that the said — is liable to be adjudged bankrupt under the 83rd section of the Bankruptcy Act, 1861, and I do therefore adjudge him bankrupt accordingly.

A. B., Commissioner, or Registrar.

SCHEDULE 13.

THE BANKRUPTCY ACT, 1861.

Order annulling or making absolute adjudication of bankruptcy made under the 83rd section.

In the Court of Bankruptcy, London.

(*Or, for the — district at —.*)

In the matter of —.

— day of —, 186—.

Upon reading the proceedings in the above matter, and upon

hearing [*the evidence now adduced, if the case be so, and*] what was alleged by —, and being satisfied that sufficient [*or no sufficient*] cause has been shown for annulling the adjudication of bankruptcy made against the said —, on the day of —, I do order that such adjudication be annulled [*or be confirmed*], and the same is hereby annulled [*or confirmed and made absolute*] accordingly.

A. B., Commissioner.

SCHEDULE 14.

THE BANKRUPTCY ACT, 1861.

Declaration to be made when petition for adjudication of bankruptcy or a judgment debtor summons is filed or sued out by public officer or agent of copartnership, under sect. 92—24 & 25 Vict. c. 134.

In the Court of Bankruptcy, London.

(*Or, for the — district at —.*)

In the matter of —.

— day of —, A.D. 186—.

I, the undersigned —, do solemnly declare that I am a public officer [*or agent*] of [*name of copartnership*] duly authorised to sue and be sued in the name of a public officer or agent of such copartnership, and that I am authorised to sue as the nominal petitioner for and on behalf of such copartnership.

(Signed) —

Declared before, *etc.* (see sect. 207).

SCHEDULE 15.

THE BANKRUPTCY ACT, 1861.

Declaration of proof of debt by creditor under sect. 144—24 & 25 Vict. c. 134.

In the Court of Bankruptcy, London.

(*Or, in the Court of Bankruptcy for the — district at —.*)

In the matter of —, bankrupt.

I, *A. B.*, of —, do solemnly declare that the statement of the debt, [*and of the account, if any*] between me and the said bankrupt, hereunto annexed, is a full, true, and complete (*a*) statement of account between me and the said bankrupt, and that the debt thereby appearing to be due from the estate of the said bankrupt to me was on or before the — day of — [*the date of the bankruptcy*] and still is justly due.

Signed, *A. B.*, the creditor above-named.

Declared before me at —, this — day of —, 18—.

(a) Any bills, notes, or other securities held in respect of the debt must be set forth in the statement of account, and if there be any set-off, the balance only should be claimed.

Declaration for proof of debt by agent of company incorporated, or authorised to sue and bring actions, under sect. 144—24 & 25 Vict. c. 134.

In the Court of Bankruptcy, London.

(*Or, in the Court of Bankruptcy for the — district at —.*)

In the matter of —, bankrupt.

I, *A. B.*, of —, agent of —, being a public company incorporated [*or authorised to sue and bring actions*] and carrying on business at —, do solemnly declare that I am such agent, and duly authorised to make this proof and that the statement of the debt [*and of the account, if any*], between the said company and the said bankrupt, hereunto annexed, is a full, true, and complete (*a*) statement of account between the said company and the said bankrupt, and that it is within my own knowledge that the debt thereby appearing to be due from the estate of the said bankrupt to the said company was incurred on or before the — day of — [*the date of the bankruptcy*], and for the consideration therein stated, and that to the best of my knowledge and belief the said debt still remains unpaid and unsatisfied.

(Signed) *A. B.*

Agent of the company above named.

Declared before me, at —,

this — day of —, 18—.

[The declarations may be made before any Court or person authorised to take affidavits, &c., in bankruptcy, under sect. 207.]

(a) Any bills, notes, or other securities held in respect of the debt must be set forth in the statement of account, and if there be any set-off, the balance only should be claimed.

THE BANKRUPTCY ACT -GENERAL ORDERS.

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SCHEDULE 16.

THE BANKRUPTCY ACT, 1861.

Statement of Accounts to be filed by the Bankrupt Ten Days at least before the Day appointed for the last Examination or Adjournment thereof, under sect. 141, 24 & 25 Vict. c. 134. [When ordered by the Court, a goods account and a cash account for such period as the Court shall think fit, and an account accounting for any deficiency shall be added by the bankrupt, within the time appointed, to his statement of accounts, and shall form part thereof.]

In the Court of Bankruptcy, London [or, for the —— district].

In the matter of _____, of _____, a bankrupt.

Filed the ____ day of ____, 18__.

Dated the _____ day _____, 18____.

MEMORANDUM.—The amount of my expenditure for the support of myself and family, &c., for the year next immediately preceding my bankruptcy was about —: ditto for the previous year, —.

CREDITORS UNSECURED.

N.B.—When the name and residence (or either of them) of any indorser or holder of any bill or note, &c., are unknown, the fact must be stated. Where there are cross demands the party must be entered as a debtor or creditor for the balance only (as the case may be), and showing the amount of set-off.

Reference to Ledger or Voucher.	Names of Creditors.	Residences and Occupations.	Amount.			When contracted.	Nature and Consideration of the Debt, and whether any Judg- ment, Bond, Bill of Exchange, Promissory Note, &c.
			£	s.	d.		

CREDITORS HOLDING SECURITY.

Particulars of securities held, with dates of same and when given, to be stated under the names of the several creditors.

LIABILITIES ON BILLS DISCOUNTED,

Which ought to be paid by the acceptors.

The dates of the bills and when due, with the names, addresses, and trade or occupation of the acceptors thereof, are to be set forth under the names of the holders.

Names of Holders, as far as known.	Addresses.				Amount.		
		£	s.	d.	£	s.	d.

ACCOMMODATION BILLS.

The dates of the bills, and when due, with the names, addresses, and trade or occupation of the drawers and acceptors thereof, are to be set forth under the names of the holders ; if the bankrupt be liable as drawer, acceptor, or indorser thereof, it is to be stated accordingly.

Names of holders.	Addresses and Particulars of Bills.				Amount.		
		£	s.	d.	£	s.	d.

CREDITORS TO BE PAID IN FULL.

Names of Creditors.	Residences and Occupations.	Amount.			When contracted.	Nature and Consideration of the Debt.
		£	s.	d.		

DEBTORS UNDER £10.

Where there are cross demands the party must be entered as a debtor or creditor for the balance only (*as the case may be*), and showing the amount of set-off.

Reference to Ledger or Voucher.	Names, Descriptions, and Residences of Persons from whom Debts are due, or claimed.	When contracted.	Amount.			Nature and Consideration of the Debt, also securities (if any) for the same, and the estimated Value of such Securities.
			Good.	Doubtful.	Bad.	

DEBTORS EXCEEDING £10.

Where there are cross demands the party must be entered as a debtor or creditor for the balance only (as the case may be), and showing the amount of set-off.

Reference to Ledger or Voucher.	Names, Descriptions, and Residences of Persons from whom Debts are due, or claimed.	When contracted.	Amount.			Nature and Consideration of the Debt, also Securities (if any) for the same, and the estimated Value of such Securities.
			Good.	Doubtful.	Bad.	

PROPERTY IN POSSESSION.

Real and personal estate and effects, which were at or since the date of the petition or adjudication of bankruptcy against me, or are now in my possession, enjoyment, or control, or which were or are held by any other person or persons in trust for my use, or to the possession or enjoyment of which I was entitled at the date of the said petition or adjudication, or am now entitled.

1. Interest in lands.	Freehold, copyhold, and leasehold property, with local description, names of tenants, and annual rent of the same, and statement of incumbrances (if any) thereupon, with the dates thereof.....	£	s.	d.
2. Personal property.	<p>Cash, bills of exchange, promissory notes, or securities of any description Stock-in-trade in my business of _____, at _____, estimated value, _____ (if sold, state amount realized)</p> <p>Machinery, fixtures, and utensils in my business, ditto ditto..... Household goods and furniture, at _____ Jewels, trinkets, and ornaments of the person..... Plate, linen, and china..... Wines and other liquors..... Books, prints, and pictures..... Horses, cows, and other animals..... Carriages..... Farming stock and implements of husbandry..... Ships and shares of ships—viz.: Goods or personal property of any other description.....</p>	£	s.	d.
3. Property in the Funds, annuities, shares, &c.	(If any of the above are at any other place than the premises of the bankrupt, viz., any public or private warehouse, railway station, dock, wharf, or any other place, state it accordingly.) Annuities, money in public or other funds, shares in canal or other companies; showing in whose names the same are standing, also when and by whom the last dividend or other payment was received in respect of the same	£	s.	d.
4. Unpaid legacies.	Legacies due, but unpaid, with all particulars concerning the same	£	s.	d.
5. Policies of insurance.	Policies of insurance, either on my own life or that of any other person or persons in which I have any interest..... Fire policies.....	£	s.	d.
BOOKS, DEEDS, PAPERS.	The following is a true list of all books, papers, deeds, and writings, relating to my trade, dealings, estate, and effects, or any part thereof, which at the date of the petition or adjudication of bankruptcy against me were, or at any time since have been in my possession, or under my custody or control, or in the possession or custody of any person in trust for me or for my use, benefit, or advantage.	£	s.	d.

PROPERTY IN REVERSION, REMAINDER, OR EXPECTANCY, PLACES, PENSIONS, RIGHTS, AND POWERS.

N.B.—Contingent as well as vested interests must be entered.

Real and personal estate and effects in which I had or have any interest in reversion, remainder, or expectancy.

		Supposed value of my Interest if now to be sold.		
		£	s.	d.
1. Interest in land.	Freehold, copyhold, and leasehold property, with names and descriptions of persons now enjoying the same, and the annual value thereof; also the nature of my interest therein, and from whom, and in what manner it is derived.....			
2. Personal property.	Personal property, with names and descriptions of persons now enjoying the same; also the nature of my interest therein, and from whom, and in what manner it is derived.....			
3. Property in the Funds, annuities, shares, &c.	Annuities, money in public or other funds, shares in canal and other companies; showing in whose names the same are standing, with names and descriptions of persons now enjoying the same; also the nature of my interest therein, and from whom and in what manner it is derived.....			
Places and pensions in possession or reversion.	Places of benefit or advantage held by me, with the salaries, fees, and emoluments thereof; also all pensions and allowances in possession or reversion held by me, or by any other person or persons for me, or on my behalf, or of and from which I may derive any benefit or advantage.....			
Rights and powers.	Rights and powers which I or any other person or persons in trust for me or for my benefit have any power to dispose of, charge, or exercise.....			

SCHEDULE 17.

THE BANKRUPTCY ACT, 1861.

Order of discharge, when granted at the same sitting of the Court at which the bankrupt has passed his last examination.

Sect. 140—24 & 25 Vict. c. 134, and see sect. 157, 170, 172.]

In the matter of —, of —, adjudged bankrupt on —, the — day of —, A.D. —.

Whereas at a public sitting of the Court held on the — (a) day of —, at the Court of Bankruptcy, London [or at the Court of Bankruptcy for the — district at —] for the said bankrupt to pass his last examination, and also to make application for his order of discharge under the Bankruptcy Act, 1861, (whereof and of the purport whereof the notice required in that behalf was duly given) the said bankrupt passed his last examination, and upon application then and there made by the said bankrupt for such discharge, and upon hearing, &c., &c., it was adjudged by the Court that the said bankrupt was entitled to such discharge, whereupon such order of discharge was and is hereby allowed and granted accordingly, [or, if the discharge were suspended, then, after the words "such discharge" proceed as follows, after suspension thereof for the period of —, the reasons for such suspension being, that it appeared to the Court that, &c. (stating the reasons); and whereas the period of suspension has now elapsed, the Court allows the discharge, and such order of discharge is hereby allowed and granted accordingly.]

Given under my hand and the seal of the court at the Court of Bankruptcy, London, [or, at the Court of Bankruptcy for the — district, at —, in the county of —] on the — day of —, in the year of our Lord 186—.

— Commissioner.

[Seal of the Court.]

— Registrar.

(a) *Adjourned, add "and by adjournment on the — day of —."*

* If the order of discharge to be wholly refused, or be granted subject to any condition, or any sentence of imprisonment has been awarded, later state the facts accordingly." See sects. 157, 159.

SCHEDULE 18.

THE BANKRUPTCY ACT, 1861.

Order of discharge, when granted at a sitting of the Court appointed after the bankrupt has passed his last examination, sect. 158; 24 & 25 Vict. c. 134.]

In the matter of —, of —, adjudged bankrupt on —, the — day of —, A.D. —.

Whereas at a public sitting of the Court appointed after the bankrupt passed his last examination, and held on the — (a) day of —, at the Court of Bankruptcy, London [or at the Court of Bankruptcy for the — district, at —] for the purpose of considering the question of granting to the bankrupt his order of discharge under the Bankruptcy Act, 1861, (whereof and of the purport whereof the notice required in that behalf was duly given), and upon hearing, &c., &c. [proceed as in the form of order of discharge when granted at the same sitting at which the bankrupt passed his last examination.]

(a) If adjourned, add "and by adjournment on the — day of —."

SCHEDULE 19.

THE BANKRUPTCY ACT, 1861.

Form of letter of attorney.

In the matter of — of —, a bankrupt.

Sir,

Sir,—I [or we] hereby authorise you to attend the meeting of creditors in this matter, advertised or directed to be holden at — or —, or any adjournment thereof, and then and there for me [or us] and in my [or our] name to vote for or against [here state the resolution or object of the meeting], and in the choice of assignees or assignees of the estate of the bankrupt.

Witness to the signature of — A.B.

To — or A.B. for self and partners.

WESTBURY, C.

JOHN S. M. VONBLANQUE, Commissioner.

EDWARD HOLROYD, Commissioner.

M. D. HILL, Commissioner.

LOCAL AND PERSONAL ACTS, DECLARED PUBLIC, AND TO BE JUDICIALLY NOTICED.

24 & 25 VICTORIA.

- i. An Act to repeal the Act of the Third Year of the Reign of Her present Majesty, entitled "An Act for more effectually repairing and improving the Road from Edenfield Chapel to Little Bolton, and certain Branch Roads connected therewith, all in the County Palatine of Lancaster; and to confer other Powers in lieu thereof."
- ii. An Act to grant further Powers to the Bristol and South Wales Union Railway Company with reference to their Capital and Borrowing Powers; to extend the Periods limited for Completion of the Works; to amend the Act relating to the Company; and for other Purposes.
- iii. An Act to consolidate the Capital Stock or Shares of "The City of Dublin Steam Packet Company;" and for other Purposes.
- iv. An Act for conferring on the Local Board of Health for the District of Wallasey further Powers for raising Money; for the Acquisition of Seacombe Ferry; and for incorporating the said Board; and for other Purposes.
- v. An Act to continue the Biddenden Turnpike Trust in the County of Kent; and for other Purposes.
- vi. An Act to repeal the Act for more effectually repairing and improving the Road from the West End of Gainsburgh Bridge to East Retford and to Gringley-on-the-Hill in the County of Nottingham, and to [make other Provisions in lieu thereof.
- vii. An Act for authorising the Corporation of the Borough of Preston to establish and regulate Markets and Fairs, to erect a Town Hall, an Exchange, and Public Offices, and make new Streets in Preston; and for other Purposes.
- viii. An Act to authorise the Consolidation into one Undertaking of the Inverness and Nairn and Inverness and Aberdeen Junction Railways, and the Union into one Company of the two Companies to which the said Railways respectively belong.
- ix. An Act for making a Railway from Blackpool in the County of Lancaster to Lytham in the same County.
- x. An Act to enable the Brecon and Merthyr Tydfil Junction Railway Company to raise additional Money; and for other Purposes.
- xi. An Act to enable the Dublin, Wicklow, and Wexford Railway Company to make a Deviation in their authorised Railway; and for other Purposes.
- xii. An Act to enable the South-eastern Railway Company to raise a further Sum of Money, and to increase their Subscription to the Undertaking of the Charing Cross Railway Company.
- xiii. An Act to authorise the Shrewsbury and Welshpool Railway Company to widen their Minsterley Branch; and for other Purposes.
- xiv. An Act to enable the Corporation of the City of Bristol to purchase Durdham Down, and to secure Durdham Down and Clifton Down as Places for Public Recreation.
- xv. An Act for enabling the Exeter and Exmouth Railway Company to regulate their Capital, to raise further Capital; and for other Purposes connected with their Undertaking.
- xvi. An Act to authorise the making of a Railway in Scotland, to be called the Strathspey Railway.
- xvii. An Act to enable the Oswestry and Newtown Railway Company to construct additional Lines of Railway to Llanfyllin and Kerry in the County of Montgomery; and for other Purposes.
- xviii. An Act to enable the Inverness and Aber 'een Junction Railway Company to construct a Branch Railway from their Alves Station to the Town and Harbour of Burghead; to provide additional Station Accommodation at Inverness; and for other Purposes.
- xix. An Act to repeal an Act of the Eleventh Year of the Reign of King George the Fourth, for improving several Roads and making certain new Roads in the Counties of Devon and Somerset leading to and from the Town of Tiverton, and for amending an Act of His present Majesty for repairing several Roads leading from and through the Town of Wiveliscombe; and to make other Provisions in lieu thereof.
- xx. An Act to repeal an Act passed in the Tenth Year of the Reign of King George the Fourth, intituled "An Act for repairing, improving, and maintaining in repair the Road from Brandlesome Moss Gate in the Township of Elton to the Duke of York Public House in the Township of Blackburn, and a Branch Road therefrom, all in the County Palatine of Lancaster;" and to make other Provisions in lieu thereof.
- xxi. An Act to enable the Borough of Portsmouth Water-works Company to raise further Money; and for other Purposes.
- xxii. An Act to enable the Witney Railway Company to make a Road to their Station at Witney; and for other Purposes.
- xxiii. An Act to enable the Mayor, Aldermen, and Burgesses of South Shields to maintain a Quay there; and for other Purpose.
- xxiv. An Act for incorporating the Clitheroe Gaslight Company; for the Regulation of their Capital; and for other Purposes.
- xxv. An Act to repeal An Act for more effectually amending the Road from Oldham in the County of Lancaster to Ripponden in the County of York, and other Roads in the same Counties, and for making and maintaining a new Branch to communicate therewith, and to make other Provisions in lieu thereof, so far as regards the said Road from Oldham to Ripponden, and the other Roads already made in connexion therewith.
- xxvi. An Act to repeal the Act of the 7th Year of His late Majesty King George III., Chapter 111., and to make better Provision for the managing of certain Lands in the County of Westmoreland called Kendal Fell Lands.
- xxvii. An Act for extending the Term and amending the Provisions of the Act relating to the Kingston-upon-Thames and Leatherhead Turnpike Road in the County of Surrey.
- xxviii. An Act to empower the Bradford, Wakefield, and Leeds Railway Company to construct a Railway from Ossett to join the London and North-western Railway at or near Batley, all in the West Riding of the County of York; and for other Purposes.
- xxix. An Act to divert certain Portions of the Railway from Kilrush to Kilkee, and to deepen and improve the Creek or Harbour of Kilrush.
- xxx. An Act to enable the Morayshire Railway Company to extend their Railway to the Strathspey Railway; and for other Purposes.
- xxxi. An Act for authorising the Stratford-upon-Avon Railway Company to raise additional Capital; and for other Purposes.
- xxxii. An Act for making a Railway from Wrexham to Minera, and for other Purposes.
- xxxiii. An Act to amend The Dewsbury, Bailey, and Heckmondwike Waterworks Act, 1836; and to authorise the construction of new Works; and for other Purposes.

xxxiv. An Act to enable the Lancashire and Yorkshire Railway Company to make a Railway from Aintree to Bootle, with certain Branch Railways, all in Lancashire; and for other Purposes relating to the same Company.

xxxv. An Act to authorise the Construction of a Railway between Garston and Liverpool; and for other Purposes.

xxxvi. An Act to define and increase the Capital of the Great Western Railway Company; and for other Purposes.

xxxvii. An Act to enable the Lancashire and Yorkshire Railway Company to raise a further Sum of Money; and for other Purposes.

xxxviii. An Act to continue the existing Borrowing Power of Price's Patent Candle Company (Limited).

xxxix. An Act for lighting with Gas the Town and Neighbourhood of Haslingden in Lancashire.

xl. An Act to amend an Act passed in the Session of Parliament holden in the 11th and 12th Years of the Reign of Her Majesty Queen Victoria, intituled "An Act for incorporating the North of Scotland Fire and Life Assurance Company, under the Name of the Northern Assurance Company; for enabling the said Company to sue and be sued, and to take, hold, and transfer Property; for confirming the Rules and Regulations of the said Company; and for other purposes relating thereto;" and to vary, extend, and enlarge certain of the Powers of the said Company; and for other Purposes relating to the said Company.

xli. An Act for better lighting with Gas the Borough of Swansea and the Neighbourhood thereof.

xlii. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of Liverpool to make new and widen existing Streets within the Borough; and for other Purposes.

xliii. An Act to amend and extend the Acts relating to the Newcastle-under-Lyme Marsh Lands; to incorporate the Trustees under the said Acts; and for other Purposes.

xliv. An Act for making a Railway from the London and North-western Railway at Nantwich in the County of Chester to Market Drayton in the County of Salop.

xlv. An Act for better supplying with Water the Borough of Neath and the adjacent District in the County of Glamorgan.

xvi. An Act for authorising the Dartmouth and Torbay Railway Company to raise further Monies; and for other purposes.

xvii. An Act to incorporate the Northampton Waterworks Company; to enable them to better supply the Town of Northampton and the several Townships and Places adjacent thereto with Water; and for other Purposes.

xviii. An Act for the better Drainage and Improvement of certain Low Lands and Grounds, formerly Common, within the Manors of Baschurch, Hordley, Stanwardine-in-the-Wood, Weston Lullingfield, and Stanwardine-in-the-Fields, and of certain other Lands adjoining or near thereto, all situate in the County of Salop.

xix. An Act to authorise the mayor, aldermen, and burgesses of Kilkenny to make a general market in the city of Kilkenny; and for other Purposes.

l. An Act to enable the Lancashire and Yorkshire Railway Company to construct Branch Railways to Dewsbury, Heckmondwike, and Meltham; to purchase additional Lands at Rochdale and Miles Platting; and for other Purposes.

ii. An Act for making a Railway from the Taff Vale Railway in the Parish of Lantwit Vardre in the County of Glamorgan to Llantrissant in the same County with Branches thereto, to be called "The Llantrissant and Taff Vale Junction Railway;" and for other Purposes.

iii. An Act to abolish and dismarket Newgate Market in the City of London, and to facilitate the Removal of Shambles and Slaughterhouses and other Nuisances and Obstructions in the Vicinity of the said Market, and to authorise the Erection of Dwelling Houses or Shops or other Buildings on the Site thereof; and for other Purposes.

liii. An Act to incorporate a Company for supplying Gas to Uxbridge and certain Places in the Neighbourhood of the same.

liv. An Act for enabling the West Cornwall Railway Company to create Debenture Stock; and for other Purposes.

lv. An Act for better supplying with Water Sandown, Lake, Shanklin, Brading, Newchurch, Ryde, and other Places in the Parishes of Brading, Shanklin, and Newchurch, and the several Parishes and Places adjacent thereto, in the Isle of Wight and County of Southampton; and for other Purposes.

lvi. An Act for dissolving and re-incorporating the Huddersfield Registered Gaslight Company, and for conferring upon them further Powers for the Supply of Gas to the Borough of Huddersfield, and certain neighbouring Townships and Places.

lvii. An Act to enable the Midland Railway Company to make new Railways; and for other Purposes.

lviii. An Act to enable the Ryde Commissioners to better supply with Water the Town of Ryde and the Places adjacent thereto, in the Isle of Wight; and for other Purposes.

lix. An Act for maintaining certain Roads and Bridges in the County of the Borough and Town of Berwick-upon-Tweed and Counties of Northumberland and Berwick, and for the Liquidation of the Debt due on the Security of the Tolls taken on the said Roads and Bridges.

lx. An Act to authorise the Leeds, Bradford, and Halifax Junction Railway Company to construct a Branch Railway to join the Birstal Branch of the London and North-western Railway at Batley in the West Riding of the County of York; and for other Purposes.

lxii. An Act for incorporating the Universal Private Telegraph Company, and to enable the said Company to work certain Letters Patent.

lxiii. An Act to enable the Whitehaven, Cleator, and Egremont Railway Company to extend their Railway from Frizingham to Lamplugh in the County of Cumberland; to widen and enlarge their present Railway and Works; to raise further Capital; and for other Purposes.

lxviii. An Act for authorising the Stockton and Darlington Railway Company to make and maintain a new Branch Railway, and to abandon the making of one of their authorised Branch Railways; and for other Purposes.

lxiv. An Act to authorise the entire Abandonment of the Bangor Branch of the Belfast and County Devon Railway.

lxv. An Act to enable the Mid-Wales Railway Company to make a Deviation in their authorised Railway; and for other Purposes.

lxvi. An Act for the Enlargement and Regulation of the Manchester London Road Station, and for other Purposes.

lxvii. An Act to enable the Great Northern and Western (of Ireland) Railway Company to extend their Railway to Westport; and for other Purposes.

lxviii. An Act for supplying with Gas the Township of Elland-cum-Greetland and adjacent Places in the Parish of Halifax in the West Riding of the County of York, and for other Purposes.

lxix. An Act to enable the Portadown, Dungannon, and Omagh Junction Railway Company to make a Branch Railway to Aughnacloy in the County of Tyrone; to amend the Acts relating to the Railway; and for other Purposes.

lx. An Act to vest in the Great Northern Railway Company the Hertford, Luton, and Dunstable Railway, and for other Purposes relating to the same Company.

lxii. An Act to authorise the Construction of Bridges over Highways and Arches under a turnpike Road and Highways in the Parishes of Wolstanton and Audley in the County of Stafford, and for other Purposes.

lxii. An Act to authorise the making of a Railway from the Stockton and Darlington Railway at or near the Frosterley Station to Newlandside near Stanhope, with a Road Approach from Stanhope, all in the County of Durham; and for authorising Working Arrangements with the Stockton and Darlington Railway Company; and for other Purposes.

lxiii. An Act for making a Railway from Uxbridge in the County of Middlesex to Rickmansworth in the County of Hertford, with Branch to Scott's Bridge Mill, to be called "The Uxbridge and Rickmansworth Railway," and for other Purposes.

lxiv. An Act for enabling the Company of Proprietors of the Birmingham Canal Navigations to raise further Money; and for other Purposes.

lxv. An Act for the Manchester and Wimborne Turnpikes Roads in the Counties Palatine of Lancaster and Chester.

lxvi. An Act for making and maintaining of the Henley-in-Arden Railway, and for other Purposes.

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lxxvii. An Act to enable the Local Board of Health for the Township of Darlington to supply Gas and Water in the adjoining Townships of Cookerton, Blackwell, Whesoe, and Haughton-le-Skerne; to enlarge Market Place, erect a covered Market, make and improve Roads; to vest in the Local Board all the Powers of the Burial Board; to raise additional Money; to levy and alter Tolls and Rates; and amend Acts relating to the Local Board; and for other Purposes.

lxxviii. An Act to make further Provision for the Draining, Warping, and Improvement of Thorne Moor in the West Riding of Yorkshire.

lxxix. An Act for authorising the Dock Company at Kingston-upon-Hull to make and maintain an additional Dock at Kingston-upon Hull (to be called the Western Dock), and a Railway to connect the same with the Hull and Selby Railway; to alter a Part of the Line of the Hull and Selby Railway, and to construct other Works at Kingston-upon-Hull; for amending the Acts relating to the Company; for granting more effectual Powers for the Regulation and Management of their Docks; and for other Purposes.

lxxxi. An Act for incorporating the Sowerby Bridge Gas Company; for enabling the Company to raise further Capital; for better supplying Sowerby Bridge and the Neighbourhood thereof with Gas; and for authorising the Sale of the Under-taking of that Company, and also of the Rights and Powers of the Sowerby Bridge Gas Consumers Company (Limited); and for other Purposes.

lxxxi. An Act to grant further Powers to the Victoria Station and Pimlico Railway Company, with reference to their Share and Loan Capital; and to sanction certain Agreements with the Great Western and London, Chatham, and Dover Railway Companies; and for other Purposes.

lxxxi. An Act to authorise the Construction of a Bridge across the River Clwyd, to be called "The Rhyl Bridge."

lxxxi. An Act to enable the Right Honourable William Earl of Lonsdale to make and maintain Dock on Tidal Basin at Workington in the County of Cumberland, and a Railway therefrom to join the Whitehaven Junction Railway; and for other Purposes.

lxxxi. An Act to enable the Edinburgh and Glasgow Railway Company to raise additional Capital.

lxxxi. An Act for incorporating the Scottish Widows Fund and Life Assurance Society, and for other Purposes relating thereto.

lxxxi. An Act to enable the Manchester, Sheffield, and Lincolnshire Railway Company to make new Railways in the Counties of Derby and Lincoln; to improve their Station at Ardwick; and for other Purposes.

lxxxi. An Act to authorise the Wycombe Railway Company to extend their Railway to Aylesbury and to Oxford; and for other Purposes.

lxxxi. An Act to repeal an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King George the Fourth, intituled "An Act for repairing the Road leading from Baland to the Town of Leeds in the West Riding of the County of York;" and granting more effectual Powers in lieu thereof.

lxxxi. An Act for making a Railway from Banbridge to Ballyronney, with a Branch Railway therefrom to Rathfriland, to be called "The Banbridge Extension Railway;" and for other Purposes.

lxxxi. An Act to revive the Powers for the Purchase of Lands, and to extend the Time for the Completion of Works authorised by the "Llanidloes and Newtown Railway (Canal Extension) Act, 1859," and to authorise the Llanidloes and Newtown Railway Company to raise additional Capital and for other Purposes.

lxxxi. An Act to amend the Acts relating to the River Tyne; and to enable the Tyne Improvement Commissioners to construct Docks and other works, and to remove and rebuild the Bridge of Newcastle-upon-Tyne; to make certain Alterations in the Rates charged by the Commissioners; and for other Purposes.

lxxxi. An Act to empower Bonelli's Electric Telegraph Company (Limited) to acquire and work Letters Patent relating to Electric Telegraphs; and for other Purposes.

lxxxi. An Act for authorising the Charing Cross Railway to make a Line of Railway from their authorised Line into the City of London, with an additional Line in Southwark, and to raise further Monies; and for other Purposes.

xciv. An Act to extend the Limits of the Dewsbury and Batley Gas Company to part of the Township of Thornhill; to authorise the said Company to raise more Money; to amend their Act; and for other Purposes.

xcv. An Act for the Incorporation of the Burton-upon-Trent Waterworks Company, and for authorising them to supply with Water the town of Burton-upon Trent and the township of Barton-under-Needwood and the Neighbourhoods thereof; and for other Purposes.

xcvi. An Act to enable the Dunblane, Doune, and Callander Railway Company to create Preference Shares; and for other Purposes.

xcvii. An Act for incorporating the Whitworth Vale Gas Company (Limited), and extending their powers; and for other Purposes.

xcviii. An Act to enable the Blyth and Tyne Railway Company to make a Railway from their Main Line of Railway to Newcastle-upon-Tyne and certain Branch Railways in the County of Northumberland; to grant further Powers to the Company; to amend the Acts relating to the Company; and for other Purposes.

xcix. An Act to enable the Limerick and Foynes Railway Company to raise further Sums.

c. An Act for paving, draining, cleansing, lighting, and otherwise improving the District comprised within the Boundaries of the Township of Middleton in the Parish of Middleton, and the Township of Tonge in the parish of Prestwich-cum-Oldham, both in the County of Lancaster; and for other Purposes.

ci. An Act to enable the Lancashire and Yorkshire Railway Company to make a Railway between Salford and the Victoria Station at Manchester; and for other Purposes relating to the same Company.

cii. An Act for making a Railway from the Hawick Line of the North British Railway near Galashiels to Peebles; and for other Purposes.

ciii. An Act for making Railways from the Oswestry and Newtown Railway, near Montgomery, to Bishops Castle and other Places in the County of Salop.

civ. An Act to enable the Burial Board of the Parish of Liverpool to acquire certain Lands at Walton-on-the-Hill in Lancashire.

civ. An Act to enable the Kingstown Waterworks Company to abandon a portion of their authorised works, and to construct and maintain other Works; and for other Purposes.

cvi. An Act for enabling the Midland Railway Company to construct Works and to acquire additional Lands in the Counties of Derby, Lancaster, Nottingham, Warwick, and Gloucester, and the West Riding of the County of York; for vesting in them the undertaking of the Dursley and Midland Junction Railway Company; and for other Purposes.

cvi. An Act to authorise the Cork and Youghal Railway Company to extend their Railway in Youghal; and to amend the Act relating to the Company.

cvi. An Act for incorporating "The East India Irrigation and Canal Company;" and for other Purposes connected therewith.

cix. An Act for better supplying with Gas the Townships of Atherton, Bedford, Pemington, Tyldesley-cum-Shackleton, West Leigh, and other places in the County of Lancashire.

cx. An Act for enabling the London and North-western Railway Company to construct new Railways from near Stockport to Northenden Road near Cheadle, and from Chelford to Knutsford, with Branches therefrom respectively; and for other Purposes.

cxi. An Act for making Railways between the London and South-western Railway at Alton, Alresford, and the Rail-way of the London and South-western Railway Company near to Winchester; and for other Purposes.

cxi. An Act for erecting a Suspension Bridge from Clifton in the City and County of Bristol to the Parish of Long Ashton in the County of Somerset.

cxi. An Act for authorizing the Cheshire Midland Railway Company to make a deviation of their authorised Line of Rail-way; and for authorising working and other Arrangements between them and the Manchester, Sheffield, and Lincolnshire Railway Company; and for other Purposes.

cxi. An Act to provide for the leasing of the Peebles Railway to the North British Railway Company.

cxv. An Act for the building of a new Church in the Township of Shireoaks in the Parish of Worksop in the County of Nottingham; and for other Purposes.

cxvi. An Act for granting further Powers to the Weston-super-Mare Gaslight Company, and for extending their Limits for supplying Gas.

cxvii. An Act to incorporate a Company for making a new Bridge from Lambeth to Westminster.

cxviii. An Act for transferring from the Grand Jury of the County of Dublin to the Commissioners of Kingstown the Management of the Roads and Bridges in the said Town, and for better improving the same.

cxix. An Act for making and maintaining a Railway from Wivenhoe to Brightlingsea, both in the County of Essex and for other Purposes.

cxx. An Act for making a Railway from the London, Brighton, and South Coast Railway in the Parish of Eastergate in the County of Sussex to Bognor; and for other Purposes.

cxxi. An Act to increase the Capital and amend the Powers of the Portsea Island Gaslight Company.

cxxii. An Act for making a Railway from the Ulster Railway near Lisburn to the Belfast and Northern Counties Railway at Antrim, to be called "The Dublin and Antrim Junction Railway," and for other Purposes.

cxxiii. An Act for enabling the London and North-western Railway Company to acquire additional Lands in connexion with their Chester and Holyhead Railway; for renewing certain Powers as to Steamboats; and for other Purposes.

cxxiv. An Act to empower the Penarth Harbour, Dock, and Railway Company to raise a further Sum of Money; to make a Road between their Harbour and Cardiff; and for other Purposes.

cxxv. An Act for authorising the Abandonment of the Thames Haven Dock and the Dissolution of the Company; and for other Purposes.

cxxvi. An Act for altering the Constitution of the Westminster Improvement Commission; for the compulsory Purchase of Lands and the Completion of Improvements; for facilitating the Sale, Exchange, and Lease of Lands discharged from Incumbrances; and for winding up the Affairs of the Commission; Borrowing Power; and for other Purposes.

cxxvii. An Act to enable the Sittingbourne and Sheerness Railway Company to raise additional Capital; to alter amend, and repeal some of the Provisions of the Acts relating to the Company; and for other Purposes.

cxxviii. An Act for enabling the London and North-western Railway Company to construct Railways from Edgehill to near Bootle, from Winwick to Golborne, and from Aston to Ditton, with a Branch to Runcorn; to enlarge their Lime Street and Wapping Stations at Liverpool; and for other Purposes.

cxxix. An Act to authorise the Construction of a Railway in Ireland, to be called "The Downpatrick and Newry Railway."

cxxx. An Act for enabling the London and North-western Railway Company to construct Railways from Eccles through Tyldesley to Wigan, with a Branch to Bedford and Leigh; and for other Purposes.

cxxxi. An Act to authorise the Fife and Kiross Railway Company to raise additional Capital.

cxxxii. An Act to empower the North London Railway Company to widen a Portion of their Railway; and for other Purposes.

cxxxiii. An Act to authorise the Metropolitan Railway Company to make certain Improvements in their Communication with the Great Northern Railway and the Metropolitan Meat Market at Smithfield; to authorise the Purchase of additional Lands for Purposes connected with that Railway; to authorise Arrangements with the Corporation of London, and with certain Railway Companies; for amending the Acts relating to the Company; and for other Purposes.

cxxxiv. An Act for vesting the Birkenhead Railway in the London and North-western Railway Company and the Great Western Railway Company, and for other Purposes.

cxxxv. An Act to enable the North-eastern Railway Company to construct a Branch Railway between the North Yorkshire and Cleveland Railway at Castleton and the Whitby and Pickering Railway; to make a Deviation in and abandon Part of the last-mentioned Railway; to acquire additional Lands; and for other Purposes.

cxxxvi. An Act to authorise the South Staffordshire Railway Company to raise additional Capital; and for other Purposes.

cxxxvii. An Act for more effectually supplying Water to several Towns and Places in Essex by a Company to be called "South Essex Waterworks Company."

cxxxviii. An Act for making a Railway from the Londonderry and Enniskillen Railway in the County of Tyrone to the Town of Bundoran in the County of Donegal; and for other Purposes.

cxxxix. An Act to enable the Midland Railway Company to make Railways from the Leeds and Bradford Line of their Railway to Otley and Ilkley in the West Riding of the County of York; and for other Purposes.

cxl. An Act to provide for the future Election of Commissioners, to confirm certain Acts of the present Commissioners, and to consolidate in One Act the various Provisions for the Management and Regulation of the Port and Harbour of New Ross in the Counties of Wexford and Kilkenny.

cxi. An Act to enable the North-eastern Railway Company to construct Branch Railways between Arthington, Otley, and Ilkley; and for other Purposes.

cxlii. An Act to authorise the Construction of a Railway from the Great Southern and Western Railway near Parsonstown to Portumna Bridge on the River Shannon, and for other Purposes.

cxlii. An Act for incorporating the West Cheshire Railway Company, and for authorising them to make and maintain Railways from Northwich to Helsby; and for other Purposes.

cxliii. An Act for reviving the Powers of the Rhymney Railway Company, with respect to their Bargoed Rhymney Branch Railway, and for authorising them to raise further monies; and for other Purposes.

cxlv. An Act to incorporate the City of Glasgow Life Assurance Company; and for other Purposes.

cxlvi. An Act to enable the Staffordshire Potteries Waterworks Company to extend their Works, and to raise additional Capital; and to amend the Act relating to the said Company.

cxlvii. An Act to enable the Great Southern and Western Railway Company to make a Railway from Roscrea in the County of Tipperary to Birdhill in the same County; and for other Purposes.

cxlviii. An Act to enable the Great Southern and Western Railway Company to raise further sums; and to amend the Provisions of the Acts of that Company with respect to the Transfer of Stock; and to enable them to acquire certain Shares in the Undertaking of the Limerick and Castis Connell Railway Company, now held by the Midland Great Western Railway of Ireland Company, and to purchase additional Lands; and for other Purposes.

cxlx. An Act for the better Drainage of the Greetwell District in the County of Lincoln.

cli. An Act to enable the Manchester and Milford Railway Company to construct a Branch Railway from the Devil's Bridge to Aberystwith; and for other Purposes.

clii. An Act for extending the Limits within which the Grand Junction Waterworks Company may supply Water; and for other Purposes.

cliii. An Act to confer additional Powers upon the Wolverhampton New Waterworks Company; and for other Purposes.

cliii. An Act to enable the Great North of Scotland Railway Company to enlarge their Stations at Kittybrewster and Aberdeen, and to alter the Line and Levels of their Dock Branch.

clix. An Act for incorporating the Fylde Waterworks Company; and for authorising them to make and maintain Waterworks, and to supply Water at Kirkham, Lytham, Blackpool, Fleetwood, Poulton, Rossall, Garstang, Southshore, and Bispham in the County Palatine of Lancaster, and to Shipping at Fleetwood and Lytham.

civ. An Act to make better Provision for supplying with Water the Town and Township of Blackburn, and the Townships of Lower Darwen, Livesey, Witton, Oswaldtwistle, and Little Harwood; and for other Purposes.

cvi. An Act to authorise the Construction in Lincolnshire of a Railway from the River Trent across the River Ancholme to the Manchester, Sheffield, and Lincolnshire Railway.

cxxi. An Act for enabling the Stockton and Darlington Railway Company to raise additional Capital; and for other Purposes.

cxxii. An Act for the Amalgamation of the Leven and East of Fife Railway Companies.

cxxiii. An Act to enable the Leven and East of Fife Railway Companies to extend the East of Fife Railway to Anstruther.

cxxiv. An Act for the draining of Lands in Airedale, adjoining and near to the River Aire, in the West Riding of the County of York; and for other Purposes.

cxxv. An Act to enable the Londonderry and Lough Swilly Railway Company to extend their Railway to Buncrana in the County of Donegal.

cxxvi. An Act to authorise the Swansea Vale Railway Company to make certain new Railways; and for other Purposes.

cxxvii. An Act to enable the Dumfries, Lochmaben, and Lockerby Junction Railway Company to divert their authorised Line of Railway; and for other Purposes.

cxxviii. An Act for making a Railway from the Great Western Railway to Hammersmith, to be called "The Hammersmith and City Railway," and for other Purposes.

cxxix. An Act to authorise the Construction of a Railway in the West Riding of Yorkshire, to be called "The Barnsley Coal Railway."

cxxxi. An Act for the Enlargement, Regulation, and Management of "The Citadel Station" at Carlisle, situate at the Junction of the Lancaster and Carlisle and the Caledonian Railways; and for other Purposes.

cxxxii. An Act to authorise the Construction of a Railway from the Berks and Hants Extension Railway to Marlborough in Wiltshire.

cxxxiii. An Act for making a Railway from the Limerick and Foynes Railway to the Town of Newcastle in the County of Limerick, to be called "The Rathkeale and Newcastle Junction Railway," and for other Purposes.

cxxxiv. An Act for the Extension of the South Yorkshire Railway across the Trent near Keadby in Lincolnshire, and for granting further Powers to the South Yorkshire Railway and River Don Company.

cxxxv. An Act for better supplying with Gas the Borough of Wigton, and other Places adjacent thereto in the County Palatine of Lancashire.

cxxxvi. An Act to grant further Powers to the Waveney Valley Railway Company as to their Capital.

cxxxvii. An Act to enable the Lord Mayor, Aldermen, and Burgesses of Dublin to construct additional Waterworks; and for other Purposes.

cxxxviii. An Act for the further Improvement of the Borough of Bolton, and for other Purposes.

cxxxix. An Act for making a Railway from the London, Brighton, and South Coast Railway at Uckfield in the County of Sussex to Tunbridge Wells in the County of Kent; and for other Purposes.

cxl. An Act for incorporating the Stockport, Timperley, and Altringham Railway Company, and for authorising them to make and maintain the Stockport, Timperley, and Altringham Railway; and for other Purposes.

cxl. An Act for altering and amending the Constitution of the Burgh of Hawick; extending the Boundaries thereof; maintaining an efficient System of Police therein; improving the said Burgh; and for other Purposes.

cxl. An Act to enable the Kinross-shire Railway Company to make certain Branch Railways; and for other Purposes.

cxl. An Act to authorise the Construction of a Railway from the Eastern Counties Railway to Saffron Walden in Essex.

cxl. An Act for enabling the Conway and Llanrwst Railway Company to make a Deviation and Alteration of their authorised Line of Railway; and for other Purposes.

cxl. An Act to grant further Powers to the East Suffolk Railway Company; to authorise certain Arrangements with respect to their Share Capital; and to amend the Acts relating to the Company.

cxl. An Act for making Railways from Aberystwith to various Places in the Counties of Cardigan, Montgomery, Merioneth, and Carnarvon, to be called "The Aberystwith and Welsh Coast Railways," and for other Purposes.

cxl. An Act for making a Railway from Bishop Stortford through Dunmow to Braintree, with a Branch thereto; and for other Purposes.

cxl. An Act to extend their Railway from Guisborough to the River Tees, with Branches connected with that Extension, and to make certain Deviations in the authorised Line of their Railway; to confer certain Powers with reference to other Undertakings; to amend the Act relating to the Cleveland Railway; and for other Purposes.

cxl. An Act to enable the Forest of Dean Central Railway Company to construct further works; and for other Purposes connected with their Undertaking.

cxl. An Act to amend the Hatfield Chase Warping and Improvement Act, 1834.

cxl. An Act for making a Railway from Forres to Birnam near Dunkeld, with a Branch to Aberfeldy, to be called "The Inverness and Perth Junction Railway;" and for other Purposes.

cxl. An Act for making a Railway to be called "The Ludlow and Clee Hill Railway," and for other Purposes.

cxl. An Act to enable the Mersey Docks and Harbour Board to purchase from the Corporation of Liverpool the Reversion in Fee of certain Leasehold Lands of the Board at Birkenhead; to extend the Period for the Completion of certain Works at Birkenhead; and to enable the Board to improve the working of the Docks and the loading and unloading of Vessels.

cxl. An Act for making Railways from Much Wenlock to the Shrewsbury and Hereford Railway, and a Railway from the Much Wenlock and Severn Junction Railway into Coalbrookdale, with Branches and Works connected therewith; to authorise certain Arrangements with and confer certain Powers upon other Companies; and for other Purposes.

cxl. An Act for making a Railway to improve the Communication between Salisbury and the Southern Part of the County of Dorset; and for other Purposes.

cxl. An Act for conferring further Powers on the South-eastern Railway Company with respect to Steam Vessels; and for enabling that Company to make Byelaws for regulating the London and Greenwich Railway; and for amending some of the Acts relating to the South-eastern Railway Company with respect to the Accounts to be kept by them; and for other Purposes.

cxl. An Act to enable the Vale of Clwyd Railway Company to raise additional Capital.

cxl. An Act to enable the Ware, Hadham, and Buntingford Railway Company to make a Deviation in the authorised Line of their Railway; and for other Purposes.

cxl. An Act to authorise the Construction of a Railway from Holme to Ramsey in the County of Huntingdon.

cxl. An Act for making a Railway from the Stirling and Dumfries Railway to the Town of Alva.

cxl. An Act to empower the North London Railway Company to construct a Railway from Liverpool-street in the City of London to join their existing Railway at Kinglassy; and for other Purposes.

cxl. An Act for enabling the Coleford, Monmouth, Usk, and Pontypool Railway Company to lease their Undertaking to the West Midland Railway Company; and for other Purposes.

cxl. An Act for making a Railway from the Glasgow, Dumbarton, and Helensburgh Railway to Milngavie, and for other Purposes.

cxl. An Act for making a Railway from Lynn to Hunstanton, all in the County of Norfolk.

cxl. An Act to confer on the Devon Valley Railway Company further Powers for the Completion of their Railway; and for other purposes.

cxl. An Act to authorise the Amalgamation of the Symington, Biggar, and Broughton Railway Company with the Caledonian Railway Company; and for other Purposes.

cxl. An Act to enable the Caledonian Railway Company to make a Branch Railway from Rutherglen to Goathridge, with a Branch to Whifflet; and for other Purposes.

cxl. An Act for making a Railway from Cockermouth to Keswick and Penrith, with a Branch thereto, all in the County of Cumberland; and for other Purposes.

cxl. An Act for enabling the Great Western Railway Company to make and maintain a Railway from Lightmoor to Coalbrookdale; and for other Purposes.

cxl. An Act for making a Railway from Kirkcudbright to Castle Douglas; and for other Purposes.

ccvi. An Act to amend the Birmingham Improvement Act, 1851; and for other Purposes.

ccvii. An Act for making a Railway from the Cork and Bandon Railway near the City of Cork to the Town of Macroom in the County of Cork.

ccviii. An Act to empower the London and North-western Railway Company to make Railways at Burton-upon-Trent; to confer additional Powers upon them with reference to Parts of their Undertaking; and for other Purposes.

ccix. An Act for extending the Periods for the Purchase of Lands and the Execution of Works for the Somerset Central Railway Company's authorised Railway from Glastonbury to Bruton; for authorising the Somerset Central Railway Company to raise further Monies; and for other Purposes.

ccx. An Act to enable the South Wales Mineral Railway Company to extend their Railway to the Briton Ferry Docks; and for other Purposes.

ccxi. An Act for better supplying with Water the Borough of Stockport in the Counties of Chester and Lancaster, and the several Townships and Places adjacent or near thereto in those Counties; and for other Purposes.

ccxii. An Act for authorising the Construction of Railways from the Severn Valley Railway to the West Midland Railway near Kidderminster, and the leasing of the Wellington and Severn Junction Railway by the Great Western and West Midland Railway Companies; and for other Purposes.

ccxiii. An Act for making a Railway from the West Midland Railway at Bransford Bridge in the County of Worcester to the Shrewsbury and Hereford Railway near Leominster in the County of Hereford; and for other Purposes.

ccxiv. An Act to enable the Edinburgh, Perth, and Dundee Railway Company to make Bye-laws for their Piers, Basins, and Works at Ferry-port-on-Craig and Broughty, and the Ferry between Ferry-port-on-Craig and Broughty; to vest the Burntisland and Granton Ferry in the Company; to construct Siding Accommodations and Works for Supply of Water; to amalgamate the Kinross-shire Railway with their Undertaking; and for other Purposes.

ccxv. An Act to repeal and consolidate the several Acts relating to the Cornwall Railway Company; to empower them to make a Deviation Railway; to extend the Time for Completion of Parts of their Railway; and for other Purposes.

ccxvi. An Act for granting further Powers to the Victoria Docks Gas Company.

ccxvii. An Act for authorising the Llanelly Railway and Dock Company to make and maintain additional Lines of Railway, and to raise further Monies; and for other Purposes.

ccxviii. An Act for authorising the Monmouthshire Railway and Canal Company to make and maintain new Lines of Railway and Deviations, and to acquire other Railways, and for authorising them to raise additional Capital; and for other Purposes.

ccxix. An Act for authorising a Lease or Sale of the Railway of the Saint George's Harbour Company to the London and North-western Railway Company; and for reducing and regulating the Capital of the Saint George's Harbour Company; and for other Purposes.

ccxx. An Act for making a Railway between the London and South-western Railway at or near to that Railway at Saint Denis near Southampton, and the Military Hospital at Netley; and for other Purposes.

ccxxi. An Act for extending the Stourbridge Railway to the Birmingham, Wolverhampton, and Stour Valley Railway at Smetwick, and for making a Branch Railway in connection with the Stourbridge Railway; for authorising Arrangements with other Companies; and for other Purposes.

ccxxii. An Act to enable the Swansea Harbour Trustees to raise a further Sum of Money for the Purposes of their Undertaking.

ccxxiii. An Act for making a Railway from the Oswestry and Newtown Railway at Oswestry to the London and North-western Railway at Whitchurch in the County of Salop; and for other Purposes.

ccxxiv. An Act to extend and deviate a Portion of the Peterfield Railway.

ccxxv. An Act to enable the Society or Partnership called "The Westminster Society for Insurance of Lives and Survivorships and for granting Annuities" to make Provision for satisfying the Liabilities and Engagements of the said Society or Partnership; to confirm an Agreement entered into between the said Society or Partnership and the Society or Partnership called "The Guardian Fire and Life Assurance Company"; to dissolve the said Westminster Society; and to authorise the Distribution among the Members thereof of so much of the Capital of the said Westminster Society as shall not be required for the Purpose of satisfying the Liabilities and Engagements thereof.

ccxxvi. An Act to amalgamate the West of Fife Mineral Railway Company and the Charleston Railway and Harbour Company.

ccxxvii. An Act for authorising the Rumney Railway Company to alter the Line and Levels of their existing Railway, and to make and maintain new Railways in connexion therewith; and for other Purposes.

ccxxviii. An Act to enable the Caledonian Railway Company to make a Branch Railway from their Lesmahagow Line to Cot Castle near Stonehouse; to extend the Southfield Branch of that Line; to enlarge their Station at Symington; and for other Purposes.

ccxxix. An Act to enable the Caledonian Railway Company to extend their Cleland Branch to Morningside, and to make Branch Railways to Omos Iron Works, to Drumbowie, and to Lanridge, all in the County of Lanark.

ccxxx. An Act to enable the Forth and Clyde Junction Railway Company to make a Branch Railway to Dalmonoch Printworks in the County of Dumbarton, and to create additional Shares; and for other Purposes.

ccxxxi. An Act to enable the Eastern Counties Railway Company to make new Lines of Railway; and for other Purposes.

ccxxxii. An Act to enable the Kilkenny Junction Railway Company to abandon a Portion of their authorised Line between Abbeyleix and Mountrath, and instead thereof to make new Lines to the Maryborough Station and to the Roscrea Junction on the Great Southern and Western Railway; and for other Purposes.

ccxxxiii. An Act for extending the Metropolitan Railway from Smithfield to Finsbury Circus; to authorise Arrangements with other Companies; to amend the Acts relating to the Metropolitan Railway; and for other Purposes.

ccxxxiv. An Act for increasing the Capital of and conferring further Powers on the West London Extension Railway Company; and for other Purposes.

ccxxxv. An Act to enable the Brecon and Merthyr Tydfil Junction Railway Company to make certain new Lines of Railway; and for other Purposes.

ccxxxvi. An Act for establishing a separate System of Pilotage for the several Ports of Cardiff, Newport, and Gloucester, in the Bristol Channel.

ccxxxvii. An Act to increase the Capital of the Colne Valley and Halstead Railway Company; and for other Purposes.

ccxxxviii. An Act for providing and constructing Markets, Market Places, and Slaughterhouses, with all necessary Conveniences, within the Parishes of Saint Mary and Saint Bridget and the City of Dublin.

ccxxxix. An Act to authorise a Lease of the Margate Railway to the London, Chatham, and Dover Railway Company; and for other Purposes.

ccxl. An Act to enable the London, Chatham, and Dover Railway Company to make certain Deviations and Junction Lines of Railway; and for other Purposes.

ccxli. An Act to enable the Margate Railway Company to extend their Railway to Ramsgate; to change their Name; and for other Purposes connected with their undertaking.

ccxlii. An Act to authorise the Construction in the County of Glamorgan of a Railway from the Vale of Neath Railway to the South Wales Railway at Swansea, to be called "The Swansea and Neath Railway."

ccxlii. An Act for making a Railway to connect Chard and Taunton in the County of Somerset; and for other Purposes.

ccxliii. An Act to regulate the mutual Facilities to be afforded to Traffic by the West Hartlepool Harbour and Railway Company and by the Stockton and Darlington, South Durham and Lancashire Union, and Eden Valley Railway Companies; to give further Powers to the West Hartlepool

Harbour and Railway Company with reference to the Management of their Docks and Works; and for other Purposes.

ccxlv. An Act to authorise the Construction of a Railway from the East Anglian Railways at Lynn to the Norwich and Spalding Railway at Sutton Bridge, and for other Purposes.

ccxvi. An Act for making Railways from Clara to Meelick in the King's County, Ireland, and for building a Bridge across the Shannon at Meelick.

ccxlvii. An Act for making a Railway from the Mold Branch of the Chester and Holyhead Railway at Mold to the Vale of Clwyd Railway, to be called "The Mold and Denbigh Junction Railway;" and for other Purposes.

ccxlviii. An Act for making a Railway from Lennoxtown of Campsie to Strathblane, with a Branch to Lettermill in the County of Stirling; and for other Purposes.

ccxlix. An Act to enable the West Hartlepool Harbour and Railway Company to raise further Money; to amend the Acts relating to the Company; and for other Purposes.

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1. An Act to incorporate the Trustees of "The Atkinson Institution of Glasgow," acting under the Will of Thomas Atkinson, Bookseller and Stationer, of Glasgow, deceased, and to enlarge the Powers of such Trustees, the better to enable them to carry out the benevolent Designs of the said Testator.
2. An Act to extend the Powers of Leasing contained in the Will of the Right Honourable John Savile Lumley Savile Earl of Scarborough, deceased, with respect to certain Estates in the County of York, thereby devised, and therein called the Savile York Estates; and for other Purposes; and of which the Short Title is "Savile Estate (Leasing) Act, 1861."
3. An Act for authorising the Application for the Maintenance and Benefit of the Children of Sir Beresford Burston M'Mahon, Baronet, of certain Monies by the Will of Sir William M'Mahon, Baronet, deceased, directed to be accumulated during the Life of Sir Beresford Burston M'Mahon.
4. An Act to authorise the Most Noble George Granville William Duke and Earl of Sutherland and Anne Duchess of Sutherland to disentail the Estate of Cromarty, and to grant a new Entail thereof.
5. An Act to enable the Trustees of the Will of the late Sir William Fowle Middleton to carry into effect certain Contracts affecting his Estates in London and Middlesex.
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